

DECATUR COUNTY

ZONING ORDINANCE

Decatur County Zoning Ordinance

Adopted by:

Decatur County Plan Commission April 4, 2007

Decatur County Commissioners April 16, 2007

DECATUR COUNTY ZONING ORDINANCE

DECATUR COUNTY PLAN COMMISSION MEMBERS

Brian Keith - County Surveyor, *Chairman*
Joe Witkemper – Advisory Council on Town Affairs, *Vice-Chairman*
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Ken Dornich – City Council Representative
Dan Wilson – County Agricultural Extension Educator
Larry Simons – Citizen appointed by Mayor
Jeff Emsweller – Citizen appointed by Mayor
Jay Hatton – Citizen appointed by County Superintendent of Schools
Albert Armand – Citizen appointed by County Commissioners

DECATUR COUNTY PLAN COMMISSION STAFF

David Neuman - Director of Planning & Zoning
Marian Miller – Planning & Zoning Administrative Assistant
Melissa S. Scholl - Plan Commission Attorney

**BOARD OF COMMISSIONERS
OF
DECATUR COUNTY, INDIANA**

WHEREAS the Area Plan Commission of Decatur County prepared amendments to the Decatur County Zoning Ordinance. Said Amendments to the Decatur County Zoning Ordinance were set for public hearing on March 13, 2007, and April 4, 2007, pursuant to I.C. Section 36-7-4-604. At the second public hearing on April 4, 2007, the Decatur County Area Plan Commission unanimously approved the amendments to the Decatur County Zoning Ordinance and certified the approval of said amendments to the Decatur County Commissioners pursuant to I.C. 36-7-4-605; and

WHEREAS the Board of Commissioners of Decatur County, Indiana, held a public hearing on April 16, 2007 to hear public comment regarding the proposed amendments to the Decatur County Zoning Ordinance and said Board of Commissioners adopted the amendments to the Decatur County Zoning Ordinance on April 16, 2007, all pursuant to I.C. 36-7-4-607; and

NOW THEREFORE, the Board of Commissioners of Decatur County, Indiana, confirms the adoption of the amendments to the Decatur County Zoning Ordinance, which Decatur County Zoning Ordinance is attached hereto, stands as passed as of April 16, 2007, which is the date of approval by the Decatur County Board of Commissioners, and the Decatur County Board of Commissioners confirms that the amended Decatur County Zoning Ordinance, attached hereto, shall take effect on April 16, 2007.

Amendments

In accordance with the Decatur County Zoning Ordinance, text amendments can be made by the Legislative Unit, upon recommendation of the Plan Commission. This table is provided to indicate the specific amendments that have been approved after their adoption.

[illegible]

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ARTICLE 1

PURPOSE AND AUTHORITY

SECTION 100 - Title

This ordinance, and supplements or amendments thereto, shall be known, and may be cited hereafter, as the Decatur County Zoning Ordinance.

SECTION 110 – Purpose

This ordinance, and supplements or amendments thereto, establishes a Zoning Ordinance for Decatur County, Indiana and provides for the administration, enforcement, and amendment thereof in accordance with the provisions of I.C. 36-7-4-et seq.; and for the repeal of all ordinances in conflict herewith.

SECTION 120 – Provisions of Order Declared to be Minimum Requirements

The regulations established by this ordinance are the minimum requirements for the promotion of the public health, safety, comfort, morals, convenience, and general public welfare. Whenever the requirements of this ordinance are at variance with any other lawfully adopted rules, regulations, ordinances, deed restrictions or covenants, the most restrictive or that imposing the higher standards shall govern.

SECTION 130 - Severability Clause

If for any reason any article, division, section, subsection, sentence, clause, phrase, or word of this ordinance should be declared unconstitutional or invalid for any reason whatsoever, such decision shall not affect the remaining portions of this ordinance which shall remain in full force and effect; therefore, the provisions of this ordinance are hereby declared severable.

SECTION 140 - Repeal of Conflicting Ordinances and Effective Date

All ordinances or parts of ordinances in conflict with this ordinance, or inconsistent with the provisions of this ordinance, are hereby repealed to the extent necessary to give this ordinance full force and effect. This ordinance shall become effective from and after the date of its approval and adoption as provided by law. After the effective date of this ordinance, existing legal land uses not in agreement with this zoning order become pre-existing and non-conforming. Applications submitted after the effective date of this ordinance shall be reviewed under the rules and procedures contained herein.

SECTION 150 – Jurisdiction

This Ordinance shall apply to all unincorporated land within Decatur County, Indiana.

ARTICLE 2

AREA PLAN COMMISSION

SECTION 200 – Area Plan Commission

(1) In accordance with the provisions of Indiana Code Sections 36-7-4-200 et seq., the Decatur County Plan Commission shall consist of nine (9) members who shall be appointed and serve in accordance with the above statutory authority. All citizen members shall serve four (4) year terms and all required members shall be appointed for one-year terms.

(2) **Duties of Plan Commission** - The Plan Commission shall establish the procedures and responsibilities for the administration and enforcement of this Ordinance in accordance with this paragraph's provisions and State legislation. For the purposes of this ordinance the Plan Commission shall have the following duties:

- a. Make recommendation to the County Commissioners concerning the adoption of or initiate amendments to the Comprehensive Plan, Zoning and Subdivision Ordinance, and Official Zoning Map.
- b. Review and make findings on development plans for subdivisions, commercial structures, industrial structures, planned unit developments, and other similar plans for all proposed developments within the Commission's jurisdiction.
- c. Administer the Subdivision Regulations as outlined in the Subdivision Ordinance.
- d. Establish a schedule of fees, charges, and expenses.
- e. Review recommendation of Planning Director for new uses or uses not specifically identified in this Ordinance to determine which existing zoning district the use is permitted in based on similar uses permitted within the district and the intent of the zoning district. The determination of the Plan Commission shall not constitute a text amendment as describe in Article 5 of this Ordinance.

(3) **Rules of Procedure** - The Plan Commission shall adopt rules for the administration of the affairs of the Plan Commission and for the conducting of public hearings, recording of minutes, and for the retaining and administration of public records. The following include minimum procedures:

- a. At the first meeting of each year the Commission shall elect a President and a Vice-President from its members.
- b. Appoint a Secretary, who is not required to be a member of the Commission, and establish the Secretary's duties.
- c. All meetings shall be open to the public.
- d. The Commission shall keep minutes of its proceedings showing the vote of each member for each question, or if absent, or failing to vote.

- e. The Commission shall also keep records of its examinations and other official actions, all of which shall be of public record, and be immediately filed in the office of the Plan Commission.
- (4) **Conflict of Interest** - A member of the Plan Commission may not participate in a hearing or decision of the board concerning a zoning matter in which he has a direct or indirect financial interest. The Commission shall enter in its records the fact that a regular member has such a disqualification and the name of the alternative member, if any, who participates in the hearing or decision. The Board of County Commissioners shall appoint any participating alternate member.
- (5) **Findings and Decisions** - All decisions of the Board on all matters within their jurisdiction and authority shall be in writing, supported by specific findings of fact on each material element pertaining to the matter under consideration.
- (6) **Quorum** - A majority of members of the Plan Commission shall constitute a quorum, which shall mean a minimum of five (5) members. The action of the Plan Commission is not official unless it is authorized by a majority of the entire membership, which shall mean a minimum of five (5) votes from the members present at the properly called meeting.

SECTION 210 – Duties of Planning Director

The provision of this ordinance shall be administered and enforced by the Planning Director. The Director may designate other Staff within the Department to assist. The Director shall have authority on all matters of administration and enforcement subject to the guidance of the Decatur County Commissioners. For the purpose of this order, the Director shall have the following duties:

1. Perform the administrative duties of the department, including hiring, termination of employment, supervision of all department staff and contractual employees, reviewing performance, establishing compensation, and preparing and administering the department budget;
2. Upon finding that any of the provisions of this order are being violated, the Planning Director shall notify, in writing, the person responsible for such violation(s), and make recommendations of the action(s) necessary to correct such violation;
3. Determine the classification of a use of land, buildings, or structures as a permitted, accessory, or conditional use in a specific zoning district, as well as determine the applicability and substance of development performance standards, based on interpretation of the stated and implied requirements of the zoning regulations. Make recommendations to the Plan Commission for new uses, or uses not specifically identified in this Ordinance, and to determine in which existing zoning district the use is permitted based on similar uses permitted within the district and the intent of the zoning district;
4. Take any other action authorized by this order or ordinance to ensure compliance with or to prevent violation(s) of these regulations;
5. Provide an interpretation of the Zoning Ordinance and Zoning Maps, Comprehensive

Plan, Subdivision Ordinance or any other properly enacted ordinance or plan;

6. Review all development applications per Ordinance and all applications for public hearings for the Board of Zoning Appeals and Plan Commission per Ordinance;
7. Delegate any portion or portions of his duties to Staff of the Planning and Zoning Department. Duties may include, but are not limited to: site inspections regarding complaints of violations of this order; site inspections of developments for compliance with plans approved under this order; issuance of “Notice of Violations” citations; review of development plans for compliance with the rules, regulations and standards of this order; and any other duties necessary to delegate in order to effectively operate the Planning and Zoning Department.

ARTICLE 3

AREA BOARD OF ZONING APPEALS

SECTION 300 - Board of Zoning Appeals

The Decatur County Board of Zoning Appeals shall consist of five (5) members who shall be appointed and serve in accordance with Indiana Code Sections 36-7-4-900 et seq.

- (1) All members shall serve four (4) year terms and shall be appointed in accordance with the provisions of the Indiana Code. Any vacancy of membership shall be replaced by an appointment to fill the unexpired term of the departing member and the appointment does not establish a new term of four years. A member is eligible for reappointment to a new term.
- (2) **Powers and Duties** - For the purpose of this order the Decatur County Board of Zoning Appeals shall have the following duties:
 - a. To hear and to determine appeals from and review any decision or determination made by the Planning Director or staff designated by the Director;
 - b. To hear and to determine ordinance permitted exceptions; special uses; contingent uses; conditional uses; interpretation of any zoning map or district; interpretation of the ordinance, the definition of any term under the ordinance, the application of the ordinance to any use existing prior to the adoption of this or any previous ordinance; and whether any use is a nonconforming or preexisting use;
 - c. To authorize variances from developmental and dimensional standards established in this zoning ordinance.
 - d. The Board may impose reasonable conditions as part of its approval.
- (3) **Rules of Procedure** - The Board of Zoning Appeals shall adopt rules for the administration of the affairs of the Board and for the conducting of public hearings, recording of minutes, and the retaining and administration of public records. The following include minimum procedures:
 - a. At the first meeting of each year the Board shall elect a President and a Vice-President from its members.
 - b. Appoint a Secretary, who is not required to be a member of the board, and establish the Secretary's duties.
 - c. All meetings shall be open to the public.
 - d. The Board shall keep minutes of its proceedings showing the vote of each member for each question, or if absent, or if failing to vote.
 - e. The board shall keep records of its examinations and other official actions, all of which shall be of public record and be immediately filed in the office of the Plan

Commission.

- (4) **Conflict of Interest** - A member of the Board of Zoning Appeals may not participate in a hearing or decision of the board concerning a zoning matter in which he has a direct or indirect financial interest. The Board shall enter in its records the fact that a regular member has such a disqualification and the name of the alternative member, if any, who participates in the hearing or decision. The Board of County Commissioners shall appoint any participating alternate member.
- (5) **Findings and Decisions** - All decisions of the Board on all matters within their jurisdiction and authority shall be in writing and be supported by specific findings of fact on each material element pertaining to the matter under consideration.
- (6) **Quorum** - A majority of members of the Board shall constitute a quorum, which shall mean a minimum of three (3) members. The action of the Board of Zoning Appeals is not official, unless it is authorized by a majority of the entire membership, which shall mean a minimum of three (3) votes from the members present at the properly called meeting.

SECTION 305 – Appeals

Appeal to the Board of Zoning Appeals may be taken by any person or entity claiming to be injuriously affected or aggrieved by an official action, order, requirement, interpretation, grant, refusal, or decision of the Planning Director or designated staff. Such appeal shall be made within thirty (30) days of written receipt of the decision by filing with the Plan Commission office an application for a notice of appeal specifying the grounds upon which the appeal is being sought. Public notice of such appeal shall be given to any and all parties of record at least ten (10) days prior to the public hearing. The Planning Director shall transmit to the Board of Zoning Appeals all the papers constituting the record from which the action appealed from was taken.

SECTION 310 – Stay of Proceedings

An appeal stays all proceedings in furtherance of the action appealed from, unless the Planning Director or designated staff from whom the appeal is taken certifies to the Board of Zoning Appeals that by reason of facts stated in the application a stay would, in the staff's opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed other than by a restraining order from the proper court of record.

SECTION 315 – Conditional Use Requirements

Within each zoning district in this Ordinance, certain uses are identified as Conditional Uses. These uses require approval from the Board of Zoning Appeals. A Conditional Use Permit runs with the land and is transferable to any future owner of the land, but is not transferable to a different property.

1. The Board shall have the power to authorize conditional uses so long as the conditional use:
 - a. Will not endanger the public health, safety, morals, comfort, or general welfare.
 - b. Will be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and shall not change the essential character of the same area.
 - c. Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer, and schools; or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services.
 - d. Will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.
 - e. Will not generate traffic on the existing street network that will cause congestion or unsafe ingress and egress within the neighborhood as a result of the development, unless evidence is provided that improvements can be made to minimize or relieve the impacts.
 - f. Will not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, dust, fumes, glare or odors.

SECTION 320 – Dimensional Variance Requirements

The Board of Zoning Appeals shall have the power to hear and decide on applications for a variance of dimensional requirements. Variance is defined as a departure from dimensional terms of the zoning regulation pertaining to building setbacks, lot frontage requirements, the height, width, or location of structures, and the size of bufferyards and open space requirements. The Board shall not possess the power to grant a variance to permit a use of land, building or structure, which is not permitted by the zoning regulation in the zone in question, or to alter the density requirements in the zone in question. Density is defined as the number of units or square footage of a building per net acre of land developed. A variance runs with the land and is transferable to any future owner of the land, but is not transferable by the applicant to a different site.

A variance may be appropriate by reason of exceptional narrowness, shallowness or unusual shape of a site on the effective date of these regulations, or amendment thereof, or by reason of exceptional topographic conditions, or some other extraordinary situation or condition of that site. In addition, a variance may be appropriate if the literal enforcement of the dimensional terms of the zoning regulations would deprive the applicant of reasonable capacity to make use of the land in a manner equivalent to the use permitted other landowners in the same zone.

1. An appeal to the Board requesting a variance shall demonstrate:
 - a. That the approval will not be injurious to the public health, safety, morals, and general welfare of the community;
 - b. That the use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner;
 - c. That the need for the variance arises from some condition peculiar to the property involved which are not applicable to other lands, structures or buildings in the same district;
 - d. That the strict application of the terms of the zoning ordinance will constitute an unnecessary hardship, if applied to the property for which the variance is sought; and
 - e. That the special conditions and circumstances do not result from the actions of the applicant.

SECTION 325 - Conditions and Safeguards

In granting a conditional use or variance, the Board may prescribe any reasonable conditions as well as establishing a time limit within which the request shall be started, or completed, or both. Failure to comply with any condition established by the Board shall be considered a violation and shall be governed by Article 6 of this Ordinance. Any condition imposed by the Board shall be recorded in the office of the County Recorder and shall be binding on the owner, subsequent owner, or any person who acquires interest in the property.

SECTION 330 - Action by Board of Zoning Appeals

The Board of Zoning Appeals shall hear and decide upon any appeal or application within sixty (60) days of filing. The Board of Zoning Appeals, shall approve, approve with conditions, or disapprove the request. Further, the Board shall make a finding that the reasons set forth in an application justify the granting of the request that will make possible a reasonable use of the land, building, or structure. If the request is disapproved, the board shall state the reasons for disapproval in writing. The minutes of the meeting shall serve as the required written notification of the decision of the Board. Appeals from Board decisions shall be to the appropriate court with jurisdiction, as provided by law.

SECTION 335 - Contents of Application

An application shall be filed with the Planning Department by at least one owner, of owner by contract (option), or lessee with written permission of the owner of the property for which such application is proposed. If, after the initial public hearing, additional information is needed beyond the minimum information required by the application, the Board can require the applicant to submit a Site Plan as detailed in Article 23 of this Ordinance or any other necessary

information.

SECTION 340 - Specific Standards Applicable to Conditional Uses

The Board shall consider the criteria for conditional uses as set forth in each zoning district.

SECTION 345 - Procedure for Hearing Notice

Upon receipt of an application, the Board shall establish a time and place for a hearing, and publish notice of the hearing in a newspaper of general circulation in the County at least 10 days before the date set for the hearing. In addition, all adjoining property owners shall be notified by certified mail that is postmarked and mailed at least ten (10) days in advance of the hearing. The applicant shall be responsible for supplying the names and addresses of all adjoining property owners and shall pay all the costs of notification. Records maintained by the County Assessor's Office shall be used as the official record to determine the identity and address of adjoining property owners.

SECTION 350 - Expiration of Permit

Conditional uses and variances shall be authorized only for the specific request and are not transferable to another property or use without approval from the Board through a subsequent public hearing. In addition, all permits granted by the Board shall expire within one (1) year of approval by the Board unless the Board otherwise states a time period. The action or use requested and approved by the Board must be substantially underway (See Article 27) within the time period specified or the permit will expire and a subsequent hearing will be needed or an extension requested to the Planning Director.

SECTION 355 – Official Record and Certificate of Land Use Restriction

The Official Record of action taken by the Board of Zoning Appeals and any conditions or restrictions adopted or imposed shall be filed in the form of a Certificate of Land Use restrictions with the County Recorder's office as permitted by IC 36-7-4-921.

Filing shall occur within 30 days of the date upon which the final action to impose or adopt the restriction is made. The certificates shall be completed by the Planning Department and filed with the Recorder. The County Recorder shall index the certificates by property owner and, if applicable, name of subdivision or development. The Decatur County Plan Commission office shall maintain the files of conditions or restrictions, which require certificates. When all conditions or restrictions have been complied with or a restriction reflected on the certificate is amended (which requires a new certificate), the Planning Department shall release the previous certificate in the same manner as releases of encumbrances upon real estate. Certificates of Land Use Restrictions shall be filed in the Decatur County Recorder's Office for Variances, Conditional Uses, and other items requiring recording of restrictions.

ARTICLE 4

PRE-EXISTING NONCONFORMING USES

SECTION 400 – Pre-existing Nonconforming Lots, Uses and Structures

Within the districts established by this order or amendments to districts that may later be adopted, lots, uses of land, and structures may exist which were lawful before this order was passed or amended, but which would be prohibited, regulated, or restricted under the terms of this ordinance or further amendments. It is the intent of this order to permit these nonconforming lots, uses and structures to continue.

Uses or structures legally established before this order was passed or amended shall not be considered a violation of this ordinance and shall not be subject to penalties as outlined in Article 6 of this Ordinance.

1. The following provisions shall apply in determining the nonconforming status and whether the use, structure or lot may be altered or developed.
 - a. A nonconforming use or structure shall not be enlarged, moved, changed or extended beyond the scope and area of its operation at the time it became a legal nonconforming use. Nor shall other uses or structures, which are prohibited elsewhere in the same district, be permitted on lots of nonconforming uses or structures.
 - b. If any legal pre-existing nonconforming use of land, structure, or combination, is changed to a permitted use, then the legal nonconforming use status is removed and cannot be resumed.
 - c. When a legal, pre-existing nonconforming use of land, structure, or combination is discontinued or abandoned for twelve (12) consecutive months, the nonconforming use status is removed and cannot be resumed.
 - d. Normal maintenance and repair of a nonconforming structure may be performed provided there is no significant physical change to the structure and such maintenance and repair does not extend, enlarge or intensify the nonconforming structure or the use of the nonconforming structure, unless otherwise authorized by this Article.
 - e. A pre-existing nonconforming residential structure used solely for a residential purpose may be enlarged provided the number of dwelling units is not increased. The floor area of the dwelling unit may not be increased more than twenty-five percent (25%), and compliance with all development standards of this ordinance must be followed.
 - f. Any nonconforming structure damaged by fire, flood (as permitted in Article 8), explosion or other casualty may be reconstructed and used as before. However,

every effort shall be made to make the structure comply with this Ordinance. Reconstruction must be undertaken within twelve months of such casualty and completed within one year from date of initiation. In addition, the restored structure cannot have greater lot coverage or square footage (except as permitted by subsection E above) than before such casualty.

SECTION 410 - Nonconforming Parcels or Subdivisions

If any lot of record does not meet the minimum lot size and frontage requirements as established within this Ordinance and that lot existed at the effective date of adoption or amendment of this order, the owner may develop that lot in conformance with the dimensional standards previously in effect. The previous standards can be used only if the current development standard can not be applied to the lot. However, the lot must be developed in conformance with all other requirements of this order. If the lot cannot be developed under the existing standards or if the previous standards cannot be determined, a variance will be required from the Board of Zoning Appeals as identified in Section 320 of this Ordinance.

SECTION 420 - Nonconforming Structures

Where a lawful structure exists at the effective date of adoption or amendment of this order that could not be built under the terms of this Ordinance, such structure may be continued so long as it remains otherwise lawful. The following provisions shall apply:

1. No such non-conforming structure may be enlarged or altered in a way which increases its non-conformity, but any structure or portion thereof may be altered to decrease its non-conformity;
2. Should such structure be moved for any reason for any distance, it shall thereafter conform to the regulations for the district in which it is located after it is moved;
3. When an addition is proposed for a pre-existing structure that does not meet the current setback requirements, the addition may be located along the nonconforming building line established by the existing structure. However, it may not encroach any further into such nonconforming setback unless the Board of Zoning Appeals grants a variance.

SECTION 430 - Change of Nonconforming Use

The Board of Zoning Appeals shall have the power to hear and decide on applications to permit a change from one nonconforming use to another. The Board shall not permit such a change unless the new nonconforming use is equally or more compatible with permitted uses in the district in which it is located as the existing nonconforming use. The intent of this section is to allow a non-conforming use to adapt to changing economic considerations and prevent the use from becoming a blight. An application for a change of nonconforming use shall conform to the procedures for other Board applications.

The Board shall not allow any changed nonconforming use to be increased or enlarged, nor extended to occupy a greater area of land than was occupied by the original nonconforming use. In permitting such change in nonconforming use, the Board can require appropriate conditions and safeguards in accord with other provisions of this order, such as the provision of landscaping and buffering, the improvement of parking areas, and restrictions on the hours of operation.

SECTION 440 - Burden of Establishing Status

The burden of establishing legal, pre-existing nonconforming use status shall rest on the person asserting such status. Such persons shall provide sufficient proof to the Director or designated staff that such a pre-existing nonconforming status exists.

SECTION 450 - Avoidance of Undue Hardship

To avoid undue hardship, nothing in this order shall be deemed to require a change in the plans, construction, or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this order. If actual building construction has been carried on diligently and such construction is not found to have been or to be a purposely-planned evasion of the intent of this order, development may continue. Actual construction is hereby defined to include the placing of construction materials in permanent position and fastening them in a permanent manner. Where demolition or removal of an existing building has begun preparatory to rebuilding, such demolition or removal shall be deemed to be actual construction, provided that the work shall be carried out diligently, but subject to the same clarifications of planned intent. Neither shall this order be deemed to require a revision in the preliminary plans of subdivisions which had been approved prior to the adoption of these regulations provided that schedules for submission of improvement plans and final plans are met.

SECTION 460 – Agricultural Exceptions

Any agricultural use existing prior to the adoption of this Ordinance which is located in a zoning classification where agricultural uses are not Principally Permitted shall still be considered a non-conforming use by this Ordinance. However, these uses shall not be prevented from enlarging or continuing to operate as permitted before the adoption of this Ordinance.

ARTICLE 5

ZONING MAP AND TEXT AMENDMENTS

SECTION 500 – General

This Zoning Ordinance and the Zoning Map may be amended from time to time by ordinance duly enacted by the Board of County Commissioners in accordance with the procedures set forth in Indiana Code Chapter 36-7-4-600. Comprehensive updates of the Zoning Ordinance, Map and the Comprehensive Plan shall be conducted periodically to ensure that these public documents accurately represent the changing needs of the community. The updates shall follow the laws and requirements as outlined in Indiana Code.

SECTION 510 - Initiation of Zoning Text Amendments and Map Amendments

Amendments to this zoning ordinance's text and map may be initiated in the following manner:

1. Zoning Text: The Plan Commission can initiate a text amendment by holding a public hearing and making a recommendation to the legislative unit. (See Article 27) The legislative unit can initiate a text amendment but must refer the amendment to the Plan Commission for a public hearing and recommendation before the legislative unit can act on the text amendment. Text amendments are to be adopted by a resolution and/or ordinance by the legislative unit. The proper notice and hearing process shall be followed.
2. Zoning Map: The Plan Commission can initiate a zoning map amendment by holding a public hearing and making a recommendation to the legislative unit. The legislative unit can initiate a zoning map amendment, but must refer the amendment to the Plan Commission for a public hearing and recommendation before the legislative unit can act on the zoning map amendment. Zoning map amendments can also be initiated by filing an application by at least one (1) majority owner, owner by contract (option) or lessee with permission of the owner/s of property within the area proposed to be changed or affected by said map amendment. Zoning map amendments are to be adopted by a resolution and/or ordinance by the legislative unit.

SECTION 520 - Contents of Application for a Zoning Map Amendment

Applications for amendments to the zoning map, adopted as part of this Ordinance by Section 500, shall be completed in full, signed, supplemented with any additional information found appropriate by the Plan Commission, and accompanied by a fee established according to the fee

schedule.

A Development Plan (hereafter referred to as a Concept Development Plan) is strongly encouraged to be submitted for any zoning map amendment. Rezoning applications submitted without a Concept Development Plan shall be reviewed from the perspective of the “worst case scenario” based upon the requirements and permitted uses of the zoning being requested. The Concept Development Plan, when submitted and agreed upon, shall be followed and be binding as a requirement of the zone map amendment. Any rezoning that is approved with a Concept Development Plan shall be designated on the Official Decatur County Zoning Map as DP for Development Plan. (For example, Residential (R-DP))

The property owner and any other appropriate person, such as the applicant or an option holder in the property, shall sign a written commitment obligating them to comply with the terms of the zoning change and Concept Development Plan. This written commitment shall be made of record in the office of the Decatur County Recorder. The property owner or other applicable person shall be required to furnish the information necessary to make such written commitment of record. This written commitment and a Certificate of Land Use Restriction shall be filed with the County Recorder within 30 days of final action, as further specified in Section 560. At the time of filing an application for a zoning map amendment, an applicant may also request a Dimensional Variance or a Conditional Use Permit for the same development. The Board of Zoning Appeals shall review the request following the same criteria identified in Section 315 and 320 of this ordinance.

A Concept Development Plan if submitted shall include the following minimum requirements and any other supporting information that the applicant believes addresses the specific findings used in reviewing a Zoning Map Amendment.

Minimum Requirements:

1. General Existing Site Characteristics - ownership, topography, soils, drainage, vegetation and other physical characteristics;
2. Transportation Patterns - public and private roads and internal and external circulation patterns, rights-of-ways, easements and parking;
3. Land Use Characteristics - existing and proposed land uses, open spaces, impervious surfaces including streets, parking areas, structures and buildings (general description of size area, intensities/densities, and height) and proposed stormwater drainage facilities;
4. Utilities and Infrastructure;
5. Relationship of Proposed Zone Change with Comprehensive Plan - how specifically the proposed zone change would conflict, conform, complement or otherwise affect the Comprehensive Plan as well as any special studies that are designed to further detail the Comprehensive Plan in a specific area;
6. An 8.5" by 11" or 8.5" by 14" reduction of the plan that can be copied on a standard photocopier;
7. An area map showing adjacent property owners and existing land uses within 500 feet of

the parcel;

Optional Requirements (If Applicable):

1. If the site has unusual or unique natural features, demonstrate how proposed development preserves and utilizes natural topography and geologic features, scenic vistas, trees and other vegetation, and prevents the disruption of natural draining patterns. If appropriate, geotechnical studies should be submitted to indicate soil types, depth of bedrock and slope stability;
2. The location, description and size (acreage) of land uses;
3. Approximate location and number of residential units (if any) along with approximate square footage, density and height;
4. Approximate location and size (square footage) of non-residential buildings;
5. Calculation of approximate amount of open space both before and after construction. Indicate areas of expected open space and new landscaping. Include maintenance plans for these areas;
6. Submit conceptual landscape plan that indicates the locations of landscape and buffering features. For applications involving PUD overlay (See Article 16), design guidelines that include landscaping standards shall be submitted for multi-phased projects;
7. Where portions of the site are subject to flooding, the Concept Development Plan shall indicate extent and frequency;
8. The general location of all utilities and the capabilities for extension and capacity to include your proposal;
9. General description of the availability of community facilities such as schools, fire protection services and other types of facilities that would serve the development, if any, and how these facilities are affected by this proposal;
10. Approximate location and size of storm water detention and/or retention areas;
11. Information describing proposed signage (types, sizes, materials, and locations on site). For applications involving the PUD overlay, design guidelines that include signage standards shall be submitted for multi-phased projects;
12. Indicate the construction schedule of the project. For multi-phased projects, submit a phasing plan that describes the anticipated timing and geographical extent of each phase;
13. Submit a detailed traffic study if the proposed development exceeds 1000 vehicle trips per day on average or if the project would significantly alter existing traffic patterns or volume (See Article 24, Section 2448);
14. Submit a sketch or drawing of the proposed buildings to demonstrate the visual appearance or a type of architecture. For applications involving the PUD overlay, design guidelines that include architectural standards shall be submitted for multi-phased projects;
15. For applications involving the PUD, a table of proposed dimensional standards for the proposed land uses or phases including lot sizes and frontages, building heights and

intensities, and setbacks and a description of any requested exceptions to the requirements of the underlying zone;

16. For applications involving the PUD a written narrative shall be submitted that describes how the applicable planned development requirements and standards in Article 16 have been satisfied.

SECTION 530 - Public Hearing Procedure

If the proposal is not initiated by the Plan Commission it must be referred to the Plan Commission for consideration and recommendation before any final action is taken by the legislative unit. Upon receiving or initiating the proposal, the Plan Commission shall, within sixty (60) days, hold a public hearing.

1. The following notice shall be given:
 - a. Notice of the hearing shall be given by the Plan Commission Staff (postmarked and mailed) at least **ten (10) days** in advance of the hearing by certified mail, to the applicant and the owners of all property adjoining the property to be changed. The applicant proposing the amendment shall be required to furnish the names and addresses of the owners of all adjoining property. The Decatur County Assessor's Office may be relied upon to determine the identity for all adjoining property owners. In the cases where the property requested to be changed abuts or includes a county line, notice shall be given to properties at least 660 feet from the county line or property line into the neighboring county. The notice shall state, at a minimum, the time, place and purpose of the hearing.
 - b. Notice of the hearing shall be published in a newspaper of general circulation at least **ten (10) days** prior to the hearing. Said published notice shall state, at a minimum, the time, place and purpose of the hearing.
 - c. Within **ten (10) business days** after the Plan Commission determines its recommendation (if any), the Plan Commission shall **certify** the proposal by providing in writing to the legislative unit the decision made by the Plan Commission with findings.
 - d. The legislative unit shall vote on the proposal within ninety (90) days after the Plan Commission certifies the proposal.
2. The following applies if the proposal receives a favorable recommendation from the Plan Commission.
 - a. At the first regular meeting of the legislative unit after the proposal is certified, or at any subsequent meeting within the ninety (90) day period, the legislative unit may adopt, amend or reject the proposal.
 - b. If the legislative unit adopts or amends (as certified) the proposal, it takes effect as other ordinances of the legislative unit.
 - c. If the legislative unit rejects the proposal, it is defeated.
 - d. If the legislative unit fails to act on the proposal within ninety (90) days after

certification, the ordinance takes effect as if it had been adopted (as certified).

3. The following applies if the proposal receives either an unfavorable recommendation or no recommendation from the Plan Commission:
 - a. At the first regular meeting of the legislative unit after the proposal is certified, or at any subsequent meeting within the ninety (90) day period, the legislative unit may adopt or reject the proposal.
 - b. If the legislative unit adopts (as certified) the proposal, it takes effect as other ordinances of the legislative unit.
 - c. If the legislative unit rejects the proposal, it is defeated.
 - d. If the legislative unit fails to act on the proposal within ninety (90) days after certification, it is defeated.

If a zoning map amendment application receives an unfavorable or no recommendation from the Plan Commission and this action is upheld by the legislative unit, the applicant will not be permitted to resubmit an application for this site for a period of one year.

SECTION 540 - Findings Necessary for Map Amendment

In preparing and considering proposals for zoning text and map amendments, the Plan Commission and the legislative unit shall make reasonable determinations in regard to the following:

1. The Comprehensive Plan;
2. Current conditions and the character of current structures and uses in each district;
3. The most desirable use for which the land in each district is adapted;
4. The conservation of property values throughout the jurisdiction;
5. Responsible development and growth.

The above criteria shall be the basis for findings of fact in a map amendment and shall be recorded in the minutes and records of the Plan Commission and the legislative unit.

SECTION 550 - Written Commitments

The Plan Commission may require a written commitment executed by the applicant/owner in conjunction with a favorable recommendation of a Zoning Map Amendment. Failure to comply with any written commitment shall be considered a violation of this ordinance and shall be governed by Article 6. Any written commitment shall be recorded as described in Section 560 and shall be binding on the owner, subsequent owner, or person who acquires interest in the property.

The Plan Commission shall forward to the legislative unit, as part of the certification of the recommendation, the written commitment incorporated within its motion for approval. The

written commitment shall be signed by the owner and any other appropriate person indicating agreement with the terms of the written commitment. The legislative unit may adopt or reject the application and written commitment pursuant to IC 36-7-4-608. Any written commitments made as part of the Ordinance/Resolution for approval of the rezoning by the legislative unit shall be prepared in writing and signed, as stated above, and recorded as identified in Section 560 by the Planning Department. The enforcement, interpretation and administration of the written commitments shall be the responsibility of the Plan Commission.

SECTION 560 – Official Record and Certificate of Land Use Restriction

The Official Record of action taken by the Plan Commission, or legislative unit within Decatur County and any adopted written commitments, shall be filed in the form of a Certificate of Land Use Restrictions with the County Recorder's office as permitted by IC 36-7-4-615.

Filing shall occur within 30 days of the date from which approval was granted. The certificates shall be completed by the Planning Department and filed with the Recorder as required. The County Recorder shall index the certificates by property owner and, if applicable, name of subdivision or development. The Decatur County Plan Commission office shall maintain the files of written commitments, which require certificates. When all written commitments have been complied with, the Planning Department shall release the certificate in the same manner as releases of encumbrances upon real estate. Certificates of Land Use Restrictions shall be filed in the Decatur County Recorder's Office for the following reviews: Zoning Map Amendments, Concept Development Plans, Planned Unit Developments and other items requiring recording of restrictions.

SECTION 570 – Effect of Approval of Amendment

When an amendment to the Zoning Map is adopted by resolution/ordinance of the legislative unit the resolution/ordinance is the official map amendment. The incorporation of this amendment onto the official zoning map shall be an administrative act performed in a timely manner by the Plan Commission Staff. When an amendment to the Zoning Text is approved, the change shall be incorporated into this Ordinance and maintained by the Planning Department.

SECTION 580 – Amendment to the Comprehensive Land Use Plan

When the legislative unit approves a Zoning Map Amendment, the Future Land Use Plan of the Comprehensive Plan is thereby amended.

ARTICLE 6

PERMITTING, ENFORCEMENT AND FEES

SECTION 600 – Zoning Permits Required

No building or other structure may be erected, moved, added to, or structurally altered, nor shall any building, structure, or land be established or changed in use or character without a permit. The Locational Improvement Permit hereafter called a Zoning Permit—shall be issued by the Planning Director or designee pursuant to Plot Plan Review (Article 17) or Site Plan Review (Article 23). All Zoning Permits issued under Plot Plan Review or Site Plan Review shall be issued only in conformity with the provisions of this ordinance unless the Planning Director receives a written order from the Board of Zoning Appeals deciding an appeal, conditional use, or variance.

SECTION 605 – Requirements of Zoning Permit Applications

The owner, or applicant, seeking a permit shall obtain and complete an application for a zoning permit on a form prescribed by the Plan Commission and follow the criteria set forth under Plot Plan Review and Site Plan Review, as applicable.

SECTION 620 - Failure to Obtain Zoning Permits and Certificates of Occupancy

Failure to obtain a Zoning Permit and a Certificate of Occupancy shall be a violation of this ordinance and will be punishable under the provisions of this Article.

SECTION 625 – Construction and Use to be as Provided in Approved Zoning Permit

Zoning Permits are issued by the Planning Department, on the basis of the application and plans that have been submitted, and approved, and authorize only the use, arrangement, and construction that has been set forth in the approved application and plans. Any other use, arrangement, or construction, contrary to that authorization shall require a revised permit that complies with all requirements or it will be considered a violation of this ordinance and be punishable under the provisions of this Article.

SECTION 630 – Complaints Regarding Violations

Whenever a violation of this ordinance occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint shall fully, and accurately, state the causes and basis of the alleged violation, and be filed with the Planning Director or designee. The Planning Director or designee shall investigate the complaint in a timely manner and, if warranted, take action thereon as provided by this ordinance. Any person filing a written complaint shall be notified in writing by the Planning Director or designee of the action taken and/or status of the alleged violation.

SECTION 635 – Inspection of Property; Right of Entry

The Planning Director and/or designee are authorized to make inspections of all land that is located within Decatur County in order to enforce the zoning ordinance and land use regulations of Decatur County, Indiana. The Planning Director and/or designee shall have the right to enter upon any premises at any reasonable time for the purpose of carrying out the duties in the enforcement of this ordinance, unless the owner or occupant of the premises refuses to permit entry for these purposes. In the event of said refusal, the Planning Director or designee shall seek the appropriate legal remedy to allow access to the property.

SECTION 640 – Procedures and Violations

If the Planning Director or designee determines that a violation exists, a written notice shall be given to the person(s) responsible for the alleged violation, by certified mail. The notice shall describe the details of the alleged violation and the reasons believed that the violation exists. The notice shall also require an explanation, or correction, of the alleged violation to the satisfaction of the Planning Director, within a specified time limit, which is to be determined by the Planning Director. The notice shall state, and it is hereby declared, that failure to reply or to correct the alleged violation to the satisfaction of the Planning Director within the specified time limit constitutes admission of the violation of the terms of this ordinance.

SECTION 645 – Pending Violations

If a violation is pending, the alleged violator cannot obtain any other benefits of this ordinance on the property where the violation is still pending. No permits will be issued to the alleged violator until the resolution of the pending violation.

SECTION 650 – Penalties for Violations

Any person who violates any provisions of this ordinance shall upon conviction be fined not less than \$100.00 and not more than \$500.00 for each offense. Each day that the violation exists shall constitute a separate offense. Violations of this ordinance that occur because a permit was not applied for or issued shall result in a doubling of the permit fee.

SECTION 655 – Compliance with Regulations

The regulations for each district set forth by this ordinance shall be the minimum regulations and shall apply uniformly to each class or kind of structure or land, except as otherwise provided in this ordinance. Further the following provisions apply:

- 1 No building, structure, or land shall be used or occupied and no building or structure or part thereof shall be erected, constructed, reconstructed, moved, or structurally altered

except in conformity with all of the regulations herein specified for the district in which it is located.

- 2 No building or other structure shall be erected or altered to:
 - a. Provide for greater height or area or,
 - b. Accommodate or house a greater number of families or,
 - c. Have narrower or smaller, rear yards, front yards, side yards, or other open spaces than is required, or in any other manner be contrary to the provisions of this ordinance.
- 3 No yard or lot existing at the time of passage of this ordinance shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this ordinance shall meet at least the minimum requirements set forth herein.

It shall be the duty of the Plan Commission's Attorney to prosecute such violations of this ordinance as may be brought to his attention and which violation shall be considered worthy of prosecution in the opinion of such Attorney.

The Plan Commission, Board of Zoning Appeals, Planning Director, or any concerned person of Decatur County, Indiana, may institute a suit for injunction in any court having jurisdiction to restrain an individual or a governmental unit from violating the provisions of this ordinance. The Plan Commission, Board of Zoning Appeals, Planning Director, or any concerned person of Decatur County, Indiana, may also institute a suit for a mandatory injunction in any court having jurisdiction directing any person, persons or governmental unit to remove a structure erected in violation of the provisions of this ordinance.

The Plan Commission, Board of Zoning Appeals, Planning Director, or any concerned person of Decatur County, Indiana, notwithstanding the above provisions, shall be permitted to otherwise enforce this ordinance by invoking any legal, equitable, or special remedy provided by law.

SECTION 660 - Schedule of Fees, Charges and Expenses

This Plan Commission shall establish a schedule of fees, charges, and expenses that are required and shall be posted in the Planning Department. Until all applicable fees, charges and expenses have been paid in full, no action shall be taken on any application or appeal.

ARTICLE 7

PROVISIONS FOR THE OFFICIAL ZONING MAP

SECTION 700 – Zoning Map

A Zoning Map of each township in Decatur County is hereby adopted as a part of this Article and is incorporated by reference herein.

SECTION 710 – Identification of the Official Zoning Map

The Decatur County Zoning Map shall not be the official map until it has been signed and dated by the Decatur Board of County Board of Commissioners and other affected legislative units. Map amendments adopted by resolution of the County Commissioners or other legislative unit shall be administratively revised by the Plan Commission Staff and stamped with the revised date.

SECTION 720 - Designation of Zoning Districts

For the purposes of this Ordinance, the County is divided into districts in the Article as shown by the district boundaries on the Zoning Maps. The districts are as follows:

- A-1 and A-2 Agricultural Districts
- R-1, R-2, R-3, and R-4 Residential Districts
- B-1, B-2, and B-3 Business Districts
- I-1 and I-2 Industrial Districts

Additional designations that can appear on the Zoning Maps include:

- PUD Planned Unit Development
- DP Development Plan

SECTION 730 – Interpretation of District Boundaries

Where uncertainty exists with respect to the boundaries of any of the zoning districts of the Official Zoning Map the following rules shall apply. The Planning Director or designee shall use the rules listed below to determine the zoning of a specific property and can use additional information such as previous zoning maps, topography maps or aerial photography to determine the zoning of a particular parcel. In cases where a mapping error was made the Planning Director shall determine the correct zoning designation using the method describe above. The decision of the Planning Director can be appealed to the Board of Zoning Appeals.

1. Where district boundaries are shown within the center lines of thoroughfares or highways, street lines, or highway right-of-way lines, such center lines, street lines, or highway right-of-way lines shall be construed to be such boundaries;
2. Where district boundaries are so indicated that they approximately follow the lot lines or property lines, such lot lines or property lines shall be construed to be said boundaries;
3. Where district boundaries are so indicated that they are approximately parallel to the center lines or edge of streets, or the center lines or right-of-way lines of highways, such district boundaries shall be construed as being parallel thereto and at such distance therefrom as indicated on the Zoning Map. If no distance is given, such dimensions shall be determined by the use of the scale shown on the Zoning Map. In situations where the distance given conflicts greatly with the map scale the Plan Director or designee shall determine the boundary;
4. Where the boundary of a district follows a railroad line, such boundary shall be deemed to be located in the middle of the main tracks of said railroad line;
5. Where the boundary of a district follows a stream or the shore of a body of water, that stream or shore line is the boundary of the district;
6. Where the boundary of a district follows or appears to follow the county line, section line (including half-section or quarter section), or township line such line shall be deemed to be the boundary of the district;
7. Where the boundaries of a district are based on a legal description or property survey that was submitted in conjunction with a zoning map amendment application, the boundaries provided in said instrument(s) shall be construed as the district boundaries for the property in question;

SECTION 740 - Zoning District Declared Invalid

Should any zoning district be declared by a court of competent jurisdiction to be unconstitutional or invalid, by either the construct of its text within this order or by its application or amendment to the Decatur County Zoning Map, the zoning district that applied to the affected properties prior to the unconstitutional or invalid zoning district shall be in force.

ARTICLE 8

FLOODPLAIN REGULATIONS

Section 800 - Statutory Authorization, Findings of Fact, Purpose, and Objectives.

Statutory Authorization.

The Indiana Legislature has in IC 36-7-4 and IC 14-28-4 granted the power to local government units to control land use within their jurisdictions. Therefore, the Decatur County and the respective Towns of Milford, Millhousen, New Point, St. Paul, and Westport do hereby adopt the following floodplain management regulations.

Section 800.05 – Findings of Fact.

1. The flood hazard areas of Decatur County and the respective Towns of Milford, Millhousen, New Point, St. Paul, and Westport are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.
2. These flood losses are caused by the cumulative effect of obstructions in floodplains causing increases in flood heights and velocities, and by the occupancy in flood hazard areas by uses vulnerable to floods or hazardous to other lands which are inadequately elevated, flood-proofed, or otherwise unprotected from flood damages.

Section 800.10 – Statement of Purpose

It is the purpose of this ordinance to promote the public health, safety, and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

- (1) Restrict or prohibit uses which are dangerous to health, safety, and property due to water or erosion hazards, which result in damaging increases in erosion or in flood heights or velocities;
- (2) Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- (3) Control the alteration of natural floodplains, stream channels, and natural protective barriers which are involved in the accommodation of flood waters;
- (4) Control filling, grading, dredging, and other development which may increase erosion or flood damage;

- (5) Prevent or regulate the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards to other lands; and,
- (6) Make federally subsidized flood insurance available for structures and their contents in Decatur County and the respective Towns of Milford, Millhousen, New Point, St. Paul, and Westport by fulfilling the requirements of the National Flood Insurance Program.

Section 800.15 - Objectives.

The objectives of this ordinance are:

- (1) To protect human life and health;
- (2) To minimize expenditure of public money for costly flood control projects;
- (3) To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- (4) To minimize prolonged business interruptions;
- (5) To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone, and sewer lines, streets, and bridges located in floodplains;
- (6) To help maintain a stable tax base by providing for the sound use and development of flood prone areas in such a manner as to minimize flood blight areas, and;
- (7) To ensure that potential homebuyers are notified that property is in a flood area.

Section 810 -General Provisions.

Section 810.05 – Lands to Which This Ordinance Applies.

This ordinance shall apply to all SFHAs within the jurisdiction of Decatur County, and the respective Towns of Milford, Millhousen, New Point, St. Paul and Westport.

Section 810.10 - Basis for Establishing Regulatory Flood Data.

This ordinance's protection standard is the regulatory flood. The best available regulatory flood data is listed below. Whenever a party disagrees with the best available data, the party submitting the detailed engineering study needs to replace existing data with better data and submit it to the Indiana Department of Natural Resources for review and approval.

- (1) The regulatory flood elevation, floodway, and fringe limits for the studied SFHAs of Flatrock River, Little Flatrock River, Muddy Fork, Sand Creek, Gas Creek, and Clifty Creek shall be as delineated on the 100 year flood profiles in the Flood Insurance Study of the Decatur County dated September 7, 2001 and the corresponding FBFM dated September 7, 2001, prepared by the Federal Emergency Management Agency.
- (2) The regulatory flood elevation for the studied SFHAs of Unnamed Tributary to Sand Creek, Unnamed Tributary to Muddy Fork, Righthand Fork Tributary, Righthand Fork, shall be as delineated on the 100 year flood profiles in the Flood Insurance Study of the Decatur County dated September 7, 2001 and the corresponding FBFM dated September 7, 2001, prepared by the Federal Emergency Management Agency. The regulatory floodway and fringe limits shall be according to the best data available as provided by the Indiana Department of Natural Resources.
- (3) The regulatory flood elevation for the studied SFHAs of Fall Fork, Unnamed Tributary to Salt Creek, and Turnover Creek, shall be as delineated on the 100 year flood profiles in the Flood Insurance Study of the Decatur County dated September 7, 2001 and the corresponding FIRM dated September 7, 2001, prepared by the Federal Emergency Management Agency. The regulatory floodway and fringe limits shall be according to the best data available as provided by the Indiana Department of Natural Resources.
- (4) The regulatory flood elevation, floodway, and fringe limits for each of the remaining SFHAs delineated as an "A Zone" on the FIRM of Decatur County shall be according to the best data available as provided by the Indiana Department of Natural Resources.
- (5) The regulatory flood elevation, floodway, and fringe limits for the studied SFHAs of Flatrock River shall be as delineated on the 100 year flood profiles in the Flood Insurance Study of the Town of St. Paul dated July 17, 1984 and the corresponding FBFM dated January 17, 1985, prepared by the Federal Emergency Management Agency.
- (6) The regulatory flood elevation, floodway, and fringe limits for the studied SFHAs of Clifty Creek shall be as delineated on the 100 year flood profiles in the Flood Insurance Study of the Town of Milford dated July 17, 1984 and the corresponding FBFM dated January 17, 1985, prepared by the Federal Emergency Management Agency.
- (7) The regulatory flood elevation, floodway, and fringe limits for the known SFHAs of the Towns of Millhousen, New Point, and Westport shall be according to the best data available as provided by the Indiana Department of Natural Resources.

Section 810.15 - Establishment of Floodplain Development Permit.

A Floodplain Development Permit shall be required in conformance with the provisions of this ordinance prior to the commencement of any development activities in areas of special flood hazard.

Section 810.20 - Compliance.

No structure shall hereafter be located, extended, converted or structurally altered within the SFHA without full compliance with the terms of this ordinance and other applicable regulations. No land or stream within the SFHA shall hereafter be altered without full compliance with the terms of this ordinance and other applicable regulations.

Section 810.25 - Abrogation and Greater Restrictions.

This ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance and another conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

Section 810.30 - Discrepancy between Mapped Floodplain and Actual Ground Elevations.

- (1) In cases where there is a discrepancy between the mapped floodplain (SFHA) on the FIRM and the actual ground elevations, the elevation provided on the profiles shall govern.
- (2) If the elevation of the site in question is below the base flood elevation, that site shall be included in the SFHA and regulated accordingly.
- (3) If the elevation (natural grade) of the site in question is above the base flood elevation, that site shall be considered outside the SFHA and the floodplain regulations will not be applied. The property owner should be advised to apply for a LOMA.

Section 810.35 - Interpretation.

In the interpretation and application of this ordinance all provisions shall be:

- (1) Considered as minimum requirements;
- (2) Liberally construed in favor of the governing body; and,
- (3) Deemed neither to limit nor repeal any other powers granted under state statutes.

Section 810.40 - Warning and Disclaimer of Liability.

The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on available information derived from engineering and scientific methods of study. Larger floods can and will occur on rare occasions. Therefore, this ordinance does not create any liability on the part of Decatur County, and the respective Towns of Milford,

Millhousen, New Point, St. Paul and Westport, the Indiana Department of Natural Resources, or the State of Indiana, for any flood damage that results from reliance on this ordinance or any administrative decision made lawfully thereunder.

Section 810.45 - Penalties for Violation.

Failure to obtain a Floodplain Development Permit in the SFHA or failure to comply with the requirements of a permit or conditions of a variance shall be deemed to be a violation of this ordinance. All violations shall be considered a common nuisance and be treated as such in accordance with the provisions of the Zoning Code for Decatur County, and its participating Towns. All violations shall be punishable by a fine not exceeding \$2,500.00.

- (1) A separate offense shall be deemed to occur for each day the violation continues to exist.
- (2) The Decatur County Planning Commission shall inform the owner that any such violation is considered a willful act to increase flood damages and therefore may cause coverage by a Standard Flood Insurance Policy to be suspended.
- (3) Nothing herein shall prevent Decatur County, and the respective Towns of Milford, Millhousen, New Point, St. Paul and Westport from taking such other lawful action to prevent or remedy any violations. All costs connected therewith shall accrue to the person or persons responsible.

Section 820 - Administration.

Section 820.05 - Designation of Administrator.

Decatur County, and the respective Towns of Milford, Millhousen, New Point, St. Paul and Westport hereby appoint the Decatur County Area Plan Director to administer and implement the provisions of this ordinance and are herein referred to as the Floodplain Administrator.

Section 820.10 - Permit Procedures.

Application for a Floodplain Development Permit shall be made to the Floodplain Administrator on forms furnished by him or her prior to any development activities, and may include, but not be limited to, the following plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, earthen fill, storage of materials or equipment, drainage facilities, and the location of the foregoing. Specifically the following information is required:

- (1) Application stage.
 - a). A description of the proposed development;

- b). Location of the proposed development sufficient to accurately locate property and structure in relation to existing roads and streams;
- c). A legal description of the property site;
- d). A site development plan showing existing and proposed development locations and existing and proposed land grades;
- e). Elevation of the top of the lowest floor (including basement) of all proposed buildings. Elevation should be in NAVD 88 or NGVD;
- f). Elevation (in NAVD 88 or NGVD) to which any non-residential structure will be flood proofed;
- g). Description of the extent to which any watercourse will be altered or related as a result of proposed development, and;

(2) Construction stage.

Upon placement of the lowest floor; or flood proofing, it shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of the NAVD 88 or NGVD elevation of the lowest floor or flood proofed elevation, as built. Said certification shall be prepared by or under the direct supervision of a registered land surveyor or professional engineer and certified by the same. When flood proofing is utilized for a particular structure said certification shall be prepared by or under the direct supervision of a professional engineer or architect and certified by same. Any work undertaken prior to submission of the certification shall be at the permit holders' risk. (The Floodplain Administrator shall review the lowest floor and flood proofing elevation survey data submitted.) The permit holder shall correct deficiencies detected by such review before any further work is allowed to proceed. Failure to submit the survey or failure to make said corrections required hereby shall be cause to issue a stop-work order for the project.

Section 820.15 - Duties and Responsibilities of the Floodplain Administrator.

The Floodplain Administrator and/or designated staff is hereby authorized and directed to enforce the provisions of this ordinance. The administrator is further authorized to render interpretations of this ordinance, which are consistent with its spirit and purpose.

Duties and Responsibilities of the Floodplain Administrator shall include, but not be limited to:

- (1) Review all floodplain development permits to assure that the permit requirements of this ordinance have been satisfied;
- (2) Inspect and inventory damaged structures in SFHA and complete substantial damage determinations;

- (3) Ensure that construction authorization has been granted by the Indiana Department of Natural Resources for all development projects subject to Section 830.20 and Section 830.30 (1) of this ordinance, and maintain a record of such authorization (either copy of actual permit or floodplain analysis/regulatory assessment.)
- (4) Ensure that all necessary federal or state permits have been received prior to issuance of the local floodplain development permit. Copies of such permits are to be maintained on file with the floodplain development permit;
- (5) Notify adjacent communities and the State Floodplain Coordinator prior to any alteration or relocation of a watercourse, and submit copies of such notifications to FEMA;
- (6) Maintain for public inspection and furnish upon request local permit documents, damaged structure inventories, substantial damage determinations, regulatory flood data, SFHA maps, Letters of Map Amendment (LOMA), Letters of Map Revision (LOMR), copies of DNR permits and floodplain analysis and regulatory assessments (letters of recommendation), federal permit documents, and “as-built” elevation and flood proofing data for all buildings constructed subject to this ordinance.
- (7) Utilize and enforce all Letters of Map Revision (LOMR) or Physical Map Revisions (PMR) issued by FEMA for the currently effective SFHA maps of the community.
- (8) Assure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is not diminished;
- (9) Verify and record the actual elevation of the lowest floor (including basement) of all new or substantially improved structures, in accordance with Section 820.10;
- (10) Verify and record the actual elevation to which any new or substantially improved structures have been flood proofed, in accordance with Section 820.10;
- (11) Review certified plans and specifications for compliance.

Section 830 - Provisions for Flood Hazard Reduction.

Section 830.05 -General Standards.

In all SFHAs the following provisions are required:

- (1) New construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure;
- (2) Manufactured homes shall be anchored to prevent flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-

the-top or frame ties to ground anchors. This standard shall be in addition to and consistent with applicable state requirements for resisting wind forces;

- (3) New construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage below the FPG;
- (4) New construction and substantial improvements shall be constructed by methods and practices that minimize flood damage;
- (5) Electrical, heating, ventilation, plumbing, air conditioning equipment and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;
- (6) New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
- (7) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
- (8) On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding;
- (9) Any alteration, repair, reconstruction or improvements to a structure that is in compliance with the provisions of this ordinance shall meet the requirements of “new construction” as contained in this ordinance; and,
- (10) Any alteration, repair, reconstruction or improvement to a structure that is not in compliance with the provisions of this ordinance, shall be undertaken only if said non-conformity is not further, extended, or replaced.

Section 830.10 - Specific Standards.

In all SFHAs, the following provisions are required:

- (1) In addition to the requirements of Section 830.05, all structures to be located in the SFHA shall be protected from flood damage below the FPG. This building protection requirement applies to the following situations:
 - a). Construction or placement of any new structure having a floor area greater than 400 square feet;
 - b). Structural alterations made to:
 - (i) an existing (previously unaltered structure), the cost of which equals or exceeds 50% of the value of the pre-altered structure (excluding the value of the land);

- (ii) any previously altered structure
 - c). Reconstruction or repairs made to a damaged structure that are valued at more than 50% of the market value of the structure (excluding the value of the land) before damaged occurred;
 - d). Installing a travel trailer or recreational vehicle on a site for more than 180 days.
 - e). Installing a manufactured home on a new site or a new manufactured home on an existing site. This ordinance does not apply to returning the existing manufactured home to the same site it lawfully occupied before it was removed to avoid flood damage; and
- (2) **Residential Construction.** New construction or substantial improvement of any residential structure (or manufactured home) shall have the lowest floor; including basement, at or above the FPG (two feet above the base flood elevation). Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate the unimpeded movements of floodwaters shall be provided in accordance with the standards of Section 830.10 (4).
- (3) **Non-Residential Construction.** New construction or substantial improvement of any commercial, industrial, or non-residential structure (or manufactured) shall have the lowest floor, including basement, elevated to or above the FPG (two feet above the base flood elevation). Structures located in all “A Zones” may be flood proofed in lieu of being elevated if done in accordance with the following:
- a). A Registered Professional Engineer or Architect shall certify that the structure has been designed so that below the FPG, the structure and attendant utility facilities are watertight and capable of resisting the effects of the regulatory flood. The structure design shall take into account flood velocities, duration, rate of rise, hydrostatic pressures, and impacts from debris or ice. Such certification shall be provided to the official as set forth in Section 820.15 (10).
 - b). Flood proofing measures shall be operable without human intervention and without an outside source of electricity.
- (4) **Elevated Structures.** New construction or substantial improvements of elevated structures that include fully enclosed areas formed by foundation and other exterior walls below the base flood elevations shall be designed to preclude finished living space and designed to allow for the entry and exit of floodwaters to automatically equalize hydrostatic flood forces on exterior walls.
- a). Designs for complying with this requirement must either be certified by a professional engineer or architect or meet the following minimum criteria:

- (i) provide a minimum of two openings having a total net area of not less than one square inch for every one square foot of enclosed area; and
- (ii) the bottom of all openings shall be no higher than one foot above foundation interior grade (which must be equal to in elevation or higher than the exterior foundation grade); and
- (iii) openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of floodwaters in both directions.
- (iv) access to the enclosed area shall be the minimum necessary to allow for parking for vehicles (garage door) or limited storage of maintenance equipment used in connection with the premises (standard exterior door) or entry to the living area (stairway or elevator); and
- (v) the interior portion of such enclosed area shall not be partitioned or finished into separate rooms.
- (vi) portions of the building below the flood protection grade must be constructed with materials resistant to flood damage.

(5) **Structures Constructed on Fill.** A residential or nonresidential structure may be constructed on a permanent land fill in accordance with the following:

- a). The fill shall be placed in layers no greater than 1 foot deep before compacting to 95% of the maximum density obtainable with the Standard Proctor Test method.
- b). The fill should extend at least ten feet beyond the foundation of the structure before sloping below the FPG.
- c). The fill shall be protected against erosion and scour during flooding by vegetative cover, riprap, or bulk heading. If vegetative cover is used, the slopes shall be no steeper than 3 horizontal to 1 vertical.
- d). The fill shall not adversely affect the flow of surface drainage from or onto neighboring properties.
- e). The top of the lowest floor including basements shall be at or above the FPG.

(6) **Standards for Structures Constructed with a Crawlspace.** A residential or nonresidential structure may be constructed with a crawlspace located below the flood protection grade provided that the following conditions are met:

- a). The building must be designed and adequately anchored to resist flotation, collapse, and lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy; and
- b). Any enclosed area below the flood protection grade shall have openings that equalize hydrostatic pressures by allowing for the automatic entry and exit of floodwaters. Provide a minimum of two openings having a total net area of not less than one square inch for every one square foot of enclosed area. The bottom of the openings shall be no more than one foot above grade; and
- c). The interior grade of the crawlspace must be at or above the base flood elevation; and
- d). The interior height of the crawlspace measured from the interior grade of the crawlspace to the top of the foundation wall must not exceed four feet at any point; and
- e). An adequate drainage system must be installed to remove floodwaters from the interior area of the crawlspace within a reasonable period of time after a flood event; and
- f). Portions of the building below the flood protection grade must be constructed with materials resistant to flood damage; and
- g). Utility systems within the crawlspace must be elevated above the flood protection grade.

(7) Standards for Manufactured Homes and Recreational Vehicles. Manufactured homes and recreational vehicles to be installed or substantially improved on a site for more than 180 days must meet one of the following requirements:

- a). The manufactured home shall be elevated on a permanent foundation such that the lowest floor shall be at or above the FPG and securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement. This requirement applies to all manufactured homes to be placed on a site;
 - (i) outside a manufactured home park or subdivision;
 - (ii) in a new manufactured home park or subdivision;
 - (iii) in an expansion to an existing manufactured home park or subdivision; or
 - (iv) in an existing manufactured home park or subdivision on which a manufactured home has incurred “substantial damage” as a result of a flood.

- b). The manufactured home shall be elevated so that the lowest floor of the manufactured home chassis is supported by reinforced piers or other foundation elevations that are no less than 36 inches in height above grade and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement. This requirement applies to all manufactured homes to be placed on a site in an existing manufactured home park or subdivision that has not been substantially damaged by a flood.
- c). Recreational vehicles placed on a site shall either:
 - (i) be on site for less than 180 days; and,
 - (ii) be fully licensed and ready for highway use (defined as being on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions); or
 - (iii) meet the requirements for “manufactured homes” as stated earlier in this section.

Section 830.15 - Standards for Subdivision Proposals.

- (1) All subdivision proposals shall be consistent with the need to minimize flood damage;
- (2) All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage;
- (3) All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards, and;
- (4) Base flood elevation data shall be provided for subdivision proposals and other proposed development (including manufactured home parks and subdivisions), which is greater than the lesser of fifty lots or five acres.

Section 830.20 - Standards for Identified Floodways.

Located within SFHAs, established in Section 810.10, are areas designated as floodways. The floodway is an extremely hazardous area due to the velocity of floodwaters, which carry debris, potential projectiles, and has erosion potential. If the site is in an identified floodway, the Floodplain Administrator shall require the applicant to forward the application, along with all pertinent plans and specifications, to the Indiana Department of Natural Resources and apply for a permit for construction in a floodway. Under the provisions of IC 14-28-1, a permit for construction in a floodway from the Indiana Department of Natural Resources is required prior to the issuance of a local building permit for any excavation, deposit, construction or obstruction activity located in the floodway. This includes land preparation activities such as filling,

grading, clearing and paving etc. undertaken before the actual start of construction of the structure. However, it does exclude non-substantial additions/improvements to existing (lawful) residences in a non-boundary river floodway. (IC 14-28-1-26 allows construction of non-substantial additions/ improvements to residences in a non-boundary river floodway without obtaining a permit for construction in a floodway from the Indiana Department of Natural Resources. Please note that if fill is needed to elevate an addition above the existing grade, prior approval (construction in a floodway permit) for the fill is required from the Indiana Department of Natural Resources.)

No action shall be taken by the Floodplain Administrator until a permit (when applicable) has been issued by the Indiana Department of Natural Resources granting approval for construction in a floodway. Once a permit for construction in a floodway has been issued by the Indiana Department of Natural Resources, the Floodplain Administrator may issue the local Floodplain Development Permit, provided the provisions contained in Section 830 of this ordinance have been met. The Floodplain Development Permit cannot be less restrictive than the permit for construction in a floodway issued by the Indiana Department of Natural Resources. However, a community's more restrictive regulations (if any) shall take precedence.

No development shall be allowed which acting alone or in combination with existing or future development, will increase the regulatory flood more than 0.14 of one foot; and

For all projects involving channel modifications or fill (including levees) the Decatur County Planning Commission shall submit the data and request that the Federal Emergency Management Agency revise the regulatory flood data.

Section 830.25 - Standards for Identified Fringe.

If the site is located in an identified fringe, then the Floodplain Administrator may issue the local Floodplain Development Permit provided the provisions contained in Section 830 of this ordinance have been met. The key provision is that the top of the lowest floor of any new or substantially improved structure shall be at or above the FPG.

Section 830.30 - Standards for SFHAs Without Established Base Flood Elevation and/or Floodways/Fringes.

- (1) Drainage area upstream of the site is greater than one square mile:

If the site is in an identified floodplain where the limits of the floodway and fringe have not yet been determined, and the drainage area upstream of the site is greater than one square mile, the Floodplain Administrator shall require the applicant to forward the application, along with all pertinent plans and specifications, to the Indiana Department of Natural Resources for review and comment.

No action shall be taken by the Floodplain Administrator until either a permit for construction in the floodway or a floodplain analysis/regulatory assessment citing the 100

year flood elevation and the recommended Flood Protection Grade has been received from the Indiana Department of Natural Resources.

Once the Floodplain Administrator has received the proper construction in a floodway permit or floodplain analysis/regulatory assessment approving the proposed development, a Floodplain Development Permit may be issued provided the conditions of the Floodplain Development Permit are not less restrictive than the conditions received from the Indiana Department of Natural Resources and the provisions contained in Section 830 of this ordinance have been met.

- (2) Drainage area upstream of the site is less than one square mile:

If the site is in an identified floodplain where the limits of the floodway and fringe have not yet been determined and the drainage area upstream of the site is less than one square mile, the Floodplain Administrator shall require the applicant to provide an engineering analysis showing the limits of the floodway, fringe and 100 year flood elevation for the site.

Upon receipt, the Floodplain Administrator may issue the local Floodplain Development Permit, provided the provisions contained in Section 830 of this ordinance have been met.

- (3) The total cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the regulatory flood more than 0.14 of one foot and will not increase flood damages or potential flood damages.

Section 830.35 - Critical Facility.

Construction of new critical facilities shall be, to the extent possible, located outside the limits of the SFHA. Construction of new critical facilities shall be permissible within the SFHA if no feasible alternative site is available. Critical facilities constructed within the SFHA shall have the lowest floor elevated to or above the FPG at the site. Flood proofing and sealing measures must be taken to ensure that toxic substances will not be displaced by or released into floodwaters. Access routes elevated to or above the FPG shall be provided to all critical facilities to the extent possible.

Section 840 - Variance Procedures.

Section 840.05 - Designation of Variance and Appeals Board.

The Board of Zoning Appeals shall hear and decide appeals and requests for variances from requirements of this ordinance.

Section 840.10 - Duties of Variance and Appeals Board.

The board shall hear and decide appeals when it is alleged an error in any requirement, decision, or determination is made by the Floodplain Administrator in the enforcement or administration

of this ordinance. Any person aggrieved by the decision of the board may appeal such decision to the appropriate court of jurisdiction, as provided by law.

Section 840.15 - Variance Procedures.

In passing upon such applications, the Board of Zoning Appeals shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this ordinance, and;

- (1) The danger of life and property due to flooding or erosion damage;
- (2) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
- (3) The importance of the services provided by the proposed facility to the community;
- (4) The necessity to the facility of a waterfront location, where applicable;
- (5) The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
- (6) The compatibility of the proposed use with existing and anticipated development;
- (7) The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
- (8) The safety of access to the property in times of flood for ordinary and emergency vehicles;
- (9) The expected height, velocity, duration, rate of rise, and sediment of transport of the floodwaters at the site; and,
- (10) The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.

Section 840.20 - Conditions for Variances.

2. Variances shall only be issued when there is:

- a). A showing of good and sufficient cause;
- b). A determination that failure to grant the variance would result in exceptional hardship; and,
- c). A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create

nuisances, cause fraud or victimization of the public, or conflict with existing laws or ordinances.

3. No variance for a residential use within a floodway subject to Section 830.20 and Section 830.30 (1) of this ordinance may be granted.
4. Any variance granted in a floodway subject to Section 830.20 and Section 830.30 (1) of this ordinance will require a permit from the Indiana Department of Natural Resources.
5. Variances to the Provisions for Flood Hazard Reduction of Section 830.10, may be granted only when a new structure is to be located on a lot of one-half acre or less in size, contiguous to and surrounded by lots with existing structures constructed below the flood protection grade.
6. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
7. Variances may be granted for the reconstruction or restoration of any structure individually listed on the National Register of Historic Places or the Indiana State Register of Historic Sites and Structures.
8. Any application to which a variance is granted shall be given written notice specifying the difference between the base flood elevation and the elevation to which the lowest floor is to be built and stating that the cost of the flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation (See Section 840.25).
9. The Floodplain Administrator shall maintain the records of appeal actions and report any variances to the Federal Emergency Management Agency or the Indiana Department of Natural Resources upon request (See Section 840.25).

Section 840.25 - Variance Notification.

Any applicant to whom a variance is granted shall be given written notice over the signature of a community official that:

- (1) The issuance of a variance to construct a structure below the base flood elevation will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage; and;

- (2) Such construction below the base flood level increases risks to life and property.

The Floodplain Administrator will maintain a record of all variance actions, including justification for their issuance, and report such variances issued in the community's biennial report submission to the Federal Emergency Management Agency.

Section 840.30 - Historic Structure.

Variances may be issued for the repair or rehabilitation of “historic structures” upon a determination that the proposed repair or rehabilitation will not preclude the structure’s continued designation as an “historic structure” and the variance is the minimum to preserve the historic character and design of the structure.

Section 840.35 - Special Conditions.

Upon the consideration of the factors listed in Section 840, and the purposes of this ordinance, the Board of Zoning Appeals may attach such conditions to the granting of variances as it deems necessary to further the purposes of this ordinance.

Section 850 - Severability.

If any section, clause, sentence, or phrase of the Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way effect the validity of the remaining portions of this Ordinance.

Section 860 - Definitions.

Unless specifically defined below, words or phrases used in this ordinance shall be interpreted so as to give them the meaning they have in common usage and to give this ordinance its most reasonable application.

A zone means portions of the SFHA in which the principal source of flooding is runoff from rainfall, snowmelt, or a combination of both. In A zones, floodwaters may move slowly or rapidly, but waves are usually not a significant threat to buildings. These areas are labeled as Zone A, Zone AE, Zones A1-A30, Zone AO, Zone AH, Zone AR and Zone A99 on a FIRM or FHBM. The definitions are presented below:

Zone A: Areas subject to inundation by the one-percent annual chance flood event. Because detailed hydraulic analyses have not been performed, no base flood elevation or depths are shown. Mandatory flood insurance purchase requirements apply.

Zone AE and A1-A30: Areas subject to inundation by the one-percent annual chance flood event determined by detailed methods. Base flood elevations are shown within these zones. Mandatory flood insurance purchase requirements apply. (Zone AE is on new and revised maps in place of Zones A1-A30.)

Zone AO: Areas subject to inundation by one-percent annual chance shallow flooding (usually sheet flow on sloping terrain) where average depths are between one and three feet. Average flood depths derived from detailed hydraulic analyses are shown within this zone. Mandatory flood insurance purchase requirements apply.

Zone AH: Areas subject to inundation by one-percent annual chance shallow flooding (usually areas of ponding) where average depths are 1-3 feet. Average flood depths

derived from detailed hydraulic analyses are shown within this zone. Mandatory flood insurance purchase requirements apply.

Zone AR: Areas that result from the decertification of a previously accredited flood protection system that is determined to be in the process of being restored to provide base flood protection. Mandatory flood insurance purchase requirements apply.

Zone A99: Areas subject to inundation by the one-percent annual chance flood event, but which will ultimately be protected upon completion of an under-construction Federal flood protection system. These are areas of special flood hazard where enough progress has been made on the construction of a protection system, such as dikes, dams, and levees, to consider it complete for insurance rating purposes. Zone A99 may only be used when the flood protection system has reached specified statutory progress toward completion. No base flood elevations or depths are shown. Mandatory flood insurance purchase requirements apply.

Accessory structure (appurtenant structure) means a structure that is located on the same parcel of property as the principal structure and the use of which is incidental to the use of the principal structure. Accessory structures should constitute a minimal initial investment, may not be used for human habitation, and be designed to have minimal flood damage potential. Examples of accessory structures are detached garages, carports, storage sheds, pole barns, and hay sheds.

Addition (to an existing structure) means any walled and roofed expansion to the perimeter of a structure in which the addition is connected by a common load-bearing wall other than a firewall. Any walled and roofed addition, which is connected by a firewall or is separated by independent perimeter load-bearing walls, is new construction.

Appeal means a request for a review of the floodplain administrator's interpretation of any provision of this ordinance or a request for a variance.

Area of shallow flooding means a designated AO or AH Zone on the community's Flood Insurance Rate Map (FIRM) with base flood depths from one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

Base Flood Elevation (BFE) means the elevation of the one-percent annual chance flood.

Basement means that portion of a structure having its floor sub-grade (below ground level) on all sides.

Building - see "Structure."

Community means a political entity that has the authority to adopt and enforce floodplain ordinances for the area under its jurisdiction.

Community Rating System (CRS) means a program developed by the Federal Insurance Administration to provide incentives for those communities in the Regular Program that have gone beyond the minimum floodplain management requirements to develop extra measures to provide protection from flooding.

Critical facility means a facility for which even a slight chance of flooding might be too great. Critical facilities include, but are not limited to, schools, nursing homes, hospitals, police, fire, and emergency response installations, installations which produce, use or store hazardous materials or hazardous waste.

Development means any man-made change to improved or unimproved real estate including but not limited to:

- (1) construction, reconstruction, or placement of a structure or any addition to a structure;
- (2) installing a manufactured home on a site, preparing a site for a manufactured home or installing recreational vehicle on a site for more than 180 days;
- (3) installing utilities, erection of walls and fences, construction of roads, or similar projects;
- (4) construction of flood control structures such as levees, dikes, dams, channel improvements, etc.;
- (5) mining, dredging, filling, grading, excavation, or drilling operations;
- (6) construction and/or reconstruction of bridges or culverts;
- (7) storage of materials; or
- (8) any other activity that might change the direction, height, or velocity of flood or surface waters.

"Development" does not include activities such as the maintenance of existing structures and facilities such as painting, re-roofing; resurfacing roads; or gardening, plowing, and similar agricultural practices that do not involve filling, grading, excavation, or the construction of permanent structures.

Elevated structure means a non-basement structure built to have the lowest floor elevated above the ground level by means of fill, solid foundation perimeter walls, pilings, or columns (posts and piers).

Elevation Certificate is a certified statement that verifies a structure's elevation information.

Emergency Program means the first phase under which a community participates in the NFIP. It is intended to provide a first layer amount of insurance at subsidized rates on all insurable structures in that community before the effective date of the initial FIRM.

Encroachment means the advance or infringement of uses, fill, excavation, buildings, permanent structures or development into a floodplain, which may impede or alter the flow capacity of a floodplain.

Existing Construction means any structure for which the “start of construction” commenced before the effective date of the community’s first floodplain ordinance.

Existing manufactured home park or subdivision means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the community’s first floodplain ordinance.

Expansion to an existing manufactured home park or subdivision means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

FEMA means the Federal Emergency Management Agency.

Five-hundred year flood (500-year flood) means the flood that has a 0.2 percent chance of being equaled or exceeded in any year.

Flood means a general and temporary condition of partial or complete inundation of normally dry land areas from the overflow, the unusual and rapid accumulation, or the runoff of surface waters from any source.

Flood Boundary and Floodway Map (FBFM) means an official map on which the Federal Emergency Management Agency (FEMA) or Federal Insurance Administration (FIA) has delineated the areas of flood hazards and regulatory floodway.

Flood Hazard Boundary Map (FHBM) means an official map of a community, issued by FEMA, where the boundaries of the areas of special flood hazard have been identified as Zone A.

Flood Insurance Rate Map (FIRM) means an official map of a community, on which FEMA has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

Flood Insurance Study (FIS) is the official hydraulic and hydrologic report provided by FEMA. The report contains flood profiles, as well as the FIRM, FBFM (where applicable), and the water surface elevation of the base flood.

Floodplain means the channel proper and the areas adjoining any wetland, lake or watercourse which have been or hereafter may be covered by the regulatory flood. The floodplain includes both the floodway and the fringe districts.

Floodplain management means the operation of an overall program of corrective and preventive measures for reducing flood damage and preserving and enhancing, where possible, natural resources in the floodplain, including but not limited to emergency preparedness plans, flood control works, floodplain management regulations, and open space plans.

Floodplain management regulations means this ordinance and other zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances, and other applications of police power which control development in flood-prone areas. This term describes federal, state, or local regulations in any combination thereof, which provide standards for preventing and reducing flood loss and damage. Floodplain management regulations are also referred to as floodplain regulations, floodplain ordinance, flood damage prevention ordinance, and floodplain management requirements.

Flood Protection Grade (FPG) is the elevation of the regulatory flood plus two feet at any given location in the SFHA. (see “Freeboard”)

Flood proofing (dry flood proofing) is a method of protecting a structure that ensures that the structure, together with attendant utilities and sanitary facilities, is watertight to the flood proofed design elevation with walls that are substantially impermeable to the passage of water. All structural components of these walls are capable of resisting hydrostatic and hydrodynamic flood forces, including the effects of buoyancy, and anticipated debris impact forces.

Flood proofing certificate is a form used to certify compliance for non-residential structures as an alternative to elevating structures to or above the FPG. This certification must be by a Registered Professional Engineer or Architect.

Floodway is the channel of a river or stream and those portions of the floodplains adjoining the channel which are reasonably required to efficiently carry and discharge the peak flood flow of the regulatory flood of any river or stream.

Freeboard means a factor of safety, usually expressed in feet above the BFE, which is applied for the purposes of floodplain management. It is used to compensate for the many unknown factors that could contribute to flood heights greater than those calculated for the base flood.

Fringe is those portions of the floodplain lying outside the floodway.

Functionally dependent facility means a facility which cannot be used for its intended purpose unless it is located or carried out in close proximity to water, such as a docking or port facility necessary for the loading and unloading of cargo or passengers, shipbuilding, ship repair, or seafood processing facilities. The term does not include long-term storage, manufacture, sales, or service facilities.

Hardship (as related to variances of this ordinance) means the exceptional hardship that would result from a failure to grant the requested variance. The Board of Zoning Appeals requires that the variance is exceptional, unusual, and peculiar to the property involved. Mere economic or financial hardship alone is NOT exceptional. Inconvenience, aesthetic considerations, physical handicaps, personal preferences, or the disapproval of one's neighbors likewise cannot, as a rule, qualify as an exceptional hardship. All of these problems can be resolved through other means without granting a variance, even if the alternative is more expensive, or requires the property owner to build elsewhere or put the parcel to a different use than originally intended.

Highest adjacent grade means the highest natural elevation of the ground surface, prior to the start of construction, next to the proposed walls of a structure.

Historic structure means any structure individually listed on the National Register of Historic Places or the Indiana State Register of Historic Sites and Structures.

Increased Cost of Compliance (ICC) means the cost to repair a substantially damaged structure that exceeds the minimal repair cost and that is required to bring a substantially damaged structure into compliance with the local flood damage prevention ordinance. Acceptable mitigation measures are elevation, relocation, demolition, or any combination thereof. All renewal and new business flood insurance policies with effective dates on or after June 1, 1997, will include ICC coverage.

Letter of Map Amendment (LOMA) means an amendment to the currently effective FEMA map that establishes that a property is not located in a SFHA. A LOMA is only issued by FEMA.

Letter of Map Revision (LOMR) means an official revision to the currently effective FEMA map. It is issued by FEMA and changes flood zones, delineations, and elevations.

Letter of Map Revision Based on Fill (LOMR-F) means an official revision by letter to an effective NFIP map. A LOMR-F provides FEMA's determination concerning whether a structure or parcel has been elevated on fill above the BFE and excluded from the SFHA.

Lowest adjacent grade means the lowest elevation, after completion of construction, of the ground, sidewalk, patio, deck support, or basement entryway immediately next to the structure.

Lowest floor means the lowest of the following:

- (1) the top of the lowest level of the structure;
- (2) the top of the basement floor;
- (3) the top of the garage floor, if the garage is the lowest level of the structure;
- (4) the top of the first floor of a structure elevated on pilings or pillars;

- (5) the top of the first floor of a structure constructed with a crawl space, provided that the lowest point of the interior grade is at or above the BFE and construction meets requirements of 6. a.; or
- (6) the top of the floor level of any enclosure, other than a basement, below an elevated structure where the walls of the enclosure provide any resistance to the flow of flood waters unless:
 - a). the walls are designed to automatically equalize the hydrostatic flood forces on the walls by allowing for the entry and exit of flood waters, by providing a minimum of two openings (in addition to doorways and windows) having a total net area of one (1) square inch for every one square foot of enclosed area. The bottom of all such openings shall be no higher than one (1) foot above grade; and,
 - b). such enclosed space shall be usable solely for the parking of vehicles and building access.

Manufactured home means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle."

Manufactured home park or subdivision means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

Map amendment means a change to an effective NFIP map that results in the exclusion from the SFHA of an individual structure or a legally described parcel of land that has been inadvertently included in the SFHA (i.e., no alterations of topography have occurred since the date of the first NFIP map that showed the structure or parcel to be within the SFHA).

Map panel number is the four-digit number followed by a letter suffix assigned by FEMA on a flood map. The first four digits represent the map panel, and the letter suffix represents the number of times the map panel has been revised. (The letter "A" is not used by FEMA, the letter "B" is the first revision.)

Market value means the building value, excluding the land (as agreed to between a willing buyer and seller), as established by what the local real estate market will bear. Market value can be established by independent certified appraisal, replacement cost depreciated by age of building (actual cash value), or adjusted assessed values.

Mitigation means sustained actions taken to reduce or eliminate long-term risk to people and property from hazards and their effects. The purpose of mitigation is two fold: to protect people and structures, and to minimize the cost of disaster response and recovery.

National Flood Insurance Program (NFIP) is the federal program that makes flood insurance available to owners of property in participating communities nationwide through the cooperative efforts of the Federal Government and the private insurance industry.

National Geodetic Vertical Datum of 1929 (NGVD) as corrected in 1929 is a vertical control used as a reference for establishing varying elevations within the floodplain.

New construction means any structure for which the “start of construction” commenced after the effective date of the community’s first floodplain ordinance.

New manufactured home park or subdivision means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of the community’s first floodplain ordinance.

North American Vertical Datum of 1988 (NAVD 88) as adopted in 1993 is a vertical control datum used as a reference for establishing varying elevations within the floodplain.

Obstruction includes, but is not limited to, any dam, wall, wharf, embankment, levee, dike, pile, abutment, protection, excavation, canalization, bridge, conduit, culvert, building, wire, fence, rock, gravel, refuse, fill, structure, vegetation, or other material in, along, across or projecting into any watercourse which may alter, impede, retard or change the direction and/or velocity of the flow of water; or due to its location, its propensity to snare or collect debris carried by the flow of water, or its likelihood of being carried downstream.

One-hundred year flood (100-year flood) is the flood that has a one percent (1%) chance of being equaled or exceeded in any given year. Any flood zone that begins with the letter A is subject to the one-percent annual chance flood. See “Regulatory Flood”.

One-percent annual chance flood is the flood that has a one percent (1%) chance of being equaled or exceeded in any given year. Any flood zone that begins with the letter A is subject to the one-percent annual chance flood. See “Regulatory Flood”.

Participating community is any community that voluntarily elects to participate in the NFIP by adopting and enforcing floodplain management regulations that are consistent with the standards of the NFIP.

Physical Map Revision (PMR) is an official republication of a community’s FEMA map to effect changes to base (1-percent annual chance) flood elevations, floodplain boundary delineations, regulatory floodways, and planimetric features. These changes typically occur as a result of structural works or improvements, annexations resulting in additional flood hazard areas, or correction to base flood elevations or SFHAs.

Post-FIRM construction means construction or substantial improvement that started on or after the effective date of the initial FIRM of the community or after December 31, 1974, whichever is later.

Pre-FIRM construction means construction or substantial improvement, which started on or before December 31, 1974, or before the effective date of the initial FIRM of the community, whichever is later.

Probation is a means of formally notifying participating communities of violations and deficiencies in the administration and enforcement of the local floodplain management regulations.

Public safety and nuisance, anything which is injurious to the safety or health of an entire community, neighborhood or any considerable number of persons, or unlawfully obstructs the free passage or use, in the customary manner, of any navigable lake, or river, bay, stream, canal, or basin.

Recreational vehicle means a vehicle which is (1) built on a single chassis; (2) 400 square feet or less when measured at the largest horizontal projections; (3) designed to be self-propelled or permanently towable by a light duty truck; and (4) designed primarily not for use as a permanent dwelling, but as quarters for recreational camping, travel, or seasonal use.

Regular program means the phase of the community's participation in the NFIP where more comprehensive floodplain management requirements are imposed and higher amounts of insurance are available based upon risk zones and elevations determined in a FIS.

Regulatory flood means the flood having a one percent (1%) chance of being equaled or exceeded in any given year, as calculated by a method and procedure that is acceptable to and approved by the Indiana Department of Natural Resources and the Federal Emergency Management Agency. The regulatory flood elevation at any location is as defined in Section 810.10 of this ordinance. The "Regulatory Flood" is also known by the term "Base Flood", "One-Percent Annual Chance Flood", and "100-Year Flood".

Repetitive loss means flood-related damages sustained by a structure on two separate occasions during a 10-year period ending on the date of the event for which the second claim is made, in which the cost of repairing the flood damage, on the average, equaled or exceeded 25% of the market value of the structure at the time of each such flood event.

Section 1316 is that section of the National Flood Insurance Act of 1968, as amended, which states that no new flood insurance coverage shall be provided for any property that the Administrator finds has been declared by a duly constituted state or local zoning authority or other authorized public body to be in violation of state or local laws, regulations, or ordinances that intended to discourage or otherwise restrict land development or occupancy in flood-prone areas.

Special Flood Hazard Area (SFHA) means those lands within the jurisdictions of Decatur County, and the respective Towns of Milford, Millhousen, New Point, St. Paul, and Westport subject to inundation by the regulatory flood. The SFHAs of Decatur County are generally identified as such on the Flood Insurance Rate Map of the County dated September 7, 2001, as well as any future updates, amendments, or revisions, prepared by the Federal Emergency Management Agency with the most recent date. The SFHAs of the Town of St. Paul are generally identified as such on the Flood Insurance Rate Map of the Town prepared by the Federal Emergency Management Agency and dated January 17, 1985, as well as any future updates, amendments, or revisions, prepared by the Federal Emergency Management Agency with the most recent date. The SFHAs of the Town of Milford are generally identified as such on the Flood Insurance Rate Map of the Town prepared by the Federal Emergency Management Agency and dated January 17, 1985, as well as any future updates, amendments, or revisions, prepared by the Federal Emergency Management Agency with the most recent date. The SFHAs of Millhousen, New Point, and Westport shall be according to each community's knowledge of any flood prone areas. (These areas are shown on a FHBM or FIRM as Zone A, AE, A1- A30, AH, AR, A99, or AO).

Start of construction includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, or improvement was within 180 days of the permit date. The actual start means the first placement or permanent construction of a structure (including a manufactured home) on a site, such as the pouring of slabs or footing, installation of piles, construction of columns, or any work beyond the stage of excavation for placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, foundations, or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

Structure means a structure that is principally above ground and is enclosed by walls and a roof. The term includes a gas or liquid storage tank, a manufactured home, or a prefabricated building. The term also includes recreational vehicles to be installed on a site for more than 180 days.

Substantial damage means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

Substantial improvement means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures that have incurred "substantial damage" regardless of the actual repair work performed. The term does not include improvements of structures to correct existing violations

of state or local health, sanitary, or safety code requirements or any alteration of a "historic structure", provided that the alteration will not preclude the structures continued designation as a "historic structure".

Suspension means the removal of a participating community from the NFIP because the community has not enacted and/or enforced the proper floodplain management regulations required for participation in the NFIP.

Variance is a grant of relief from the requirements of this ordinance, which permits construction in a manner otherwise prohibited by this ordinance where specific enforcement would result in unnecessary hardship.

Violation means the failure of a structure or other development to be fully compliant with this ordinance. A structure or other development without the elevation, other certification, or other evidence of compliance required in this ordinance is presumed to be in violation until such time as that documentation is provided.

Watercourse means a lake, river, creek, stream, wash, channel or other topographic feature on or over which waters flow at least periodically. Watercourse includes specifically designated areas in which substantial flood damage may occur.

Water surface elevation means the height, in relation to the North American Vertical Datum of 1988 (NAVD 88), or National Geodetic Vertical Datum of 1929 (NGVD) (other datum where specified) of floods of various magnitudes and frequencies in the floodplains of riverine areas.

X zone means the area where the flood hazard is less than that in the SFHA. Shaded X zones shown on recent FIRMs (B zones on older FIRMs) designate areas subject to inundation by the flood with a 0.2 percent chance of being equaled or exceeded (the 500-year flood). Unshaded X zones (C zones on older FIRMs) designate areas where the annual exceedance probability of flooding is less than 0.2 percent.

Zone means a geographical area shown on a FHBM or FIRM that reflects the severity or type of flooding in the area.

Zone A (see definition for A zone)

Zone B, C, and X means areas identified in the community as areas of moderate or minimal hazard from the principal source of flood in the area. However, buildings in these zones could be flooded by severe, concentrated rainfall coupled with inadequate local drainage systems. Flood insurance is available in participating communities but is not required by regulation in these zones. (Zone X is used on new and revised maps in place of Zones B and C.)

ARTICLE 9

AGRICULTURAL (A)

SECTION 900– Agricultural (A) District Intent

The purpose of the Agriculture district is to preserve the most fertile land for agricultural purposes, and to protect agricultural land from premature and unplanned urbanization. The agricultural district is designed to give preference to agricultural uses that need surface and subsurface drainage, soil care and conservation practices, distribution of animal waste, the grazing of animals, the application of chemicals to the soil and road use by large trucks and equipment. These needs generally conflict with urbanization.

In the agricultural district, residential development is limited to larger lots that can provide substantial area for private water and sewer systems, a buffer area for the application of chemicals and avoid the higher density development of urbanization that requires more intense municipal services and different surface drainage control. Residential development in the agricultural areas of Decatur County requires special care and consideration and should follow the guidelines of the Comprehensive Plan.

In addition, the agricultural district is also designed to protect forestry, woodlands, wetlands, pastures, streams, and similar habitats for wildlife. These areas are regarded as a natural resource which is part of the ecology of the agricultural district and need protection from business, industrial or residential development. The Agricultural Districts are divided into two (2) classifications. The Agricultural “A-1” District is designed as a strictly agricultural district without interference from any other development. The Agricultural “A-2” District is also designed for primarily agricultural purposes with limited development or use for non-agricultural purposes.

SECTION 905– Principally Permitted Uses A-1

The following uses are permitted by right on land zoned Agriculture A-1 within Decatur County.

1. Single family dwelling units upon a parcel whose boundaries exist upon the public record before November 1, 1996. Any landowner who is seeking to establish a residence on a parcel with a boundary that did not exist on November 1, 1996, must rezone the parcel to an A-2 Zoning Classification before any building permit can be issued for residential purposes;
2. Farms of field crops, fruits, tree nuts, vegetables, or other agricultural growth products;
3. Farms with no predominant crops, including range and grassland pastures, horticultural specialties, bee hives and insect/worm farms and other agriculture and related activities;
4. Farms and ranches of dairy production, raising of livestock including cattle, hogs, sheep, goats, horses, poultry or other fowls and other animals raised for food or fur, skin or

related uses;

5. Wildlife preserve sanctuaries, habitats, cultures and related activities; botanical gardens and arboretums, nature preserves, wildlife habitats and other natural exhibitions (Site Plan Review required);
6. Forestry activities including timber production, tree products production, commercial forestry production, forest nurseries and other forestry activities, Christmas tree farming and related services (Excludes sawmills, or processing of wood products other than activities necessary to ship timbers from the property);
7. Horticultural, floricultural, viticultural, and other agricultural related uses and services;
8. Animal husbandry, poultry hatching and other services, fish hatcheries, and other fish culture activities and related services;
9. Essential services of public utilities systems used to provide utility services, but not utility structures. Structures are regulated in this district as a special exception.
10. Kennels which are not otherwise regulated in this ordinance.

SECTION 910 – Uses Not Permitted in the A-1 District

No subdivision for any residential or development purpose is permitted in the A-1 Agricultural District.

SECTION 915 – Creation of A-2 Zoning Classification

All maps designated Agricultural A-1 under the Decatur County Comprehensive Plan and map on November 1, 1996, shall remain under and retain that classification. The A-2 Agricultural District was created with the Ordinance enacted on November 1, 1996. When considering rezoning from the A-1 classification to the A-2 classification, the Decatur County Area Plan Commission shall consider and evaluate the following characteristics of the area being rezoned:

1. Density of current residences and other developments;
2. Soil Types;
3. Topography;
4. Traffic, roads, and access;
5. Water availability;
6. Septic or sewer feasibility;
7. General impact upon surrounding A-1 Districts and compatibility with Comprehensive Plan.

The Decatur County Area Plan Commission shall also consider the impact of further development upon the natural environment and shall protect wildlife, water, and other natural

resources.

SECTION 920 – Principally Permitted Uses A-2

The following are ordinance permitted uses in the A-2 Agricultural District:

1. Agriculture, the raising and producing of animals or agricultural products including wood lands, orchards, landscape nurseries and any other food or fiber products and any buildings used specifically and directly for agricultural purposes, unless otherwise restricted under this chapter;
2. Public parks, playgrounds and recreational areas that are located at least Thirteen Hundred and Twenty feet (1320) from any confined feeding building or operation;
3. Essential services of public utilities systems used to provide utility services but not utility structures. Structures are regulated in this district as a special exception;
4. Cemeteries;
5. Churches, Chapels, parish houses if located upon a lot with an area of at least 1.5 acres and at least One Hundred and Fifty (150) feet of road frontage located at least Thirteen Hundred and Twenty (1320) feet from any confined feeding building or operation;
6. Schools, school buildings and related facilities;
7. A single family detached dwelling if it is located upon a specifically described lot of at least 1.5 acres with a minimum width of at least one hundred and fifty feet (150) across at least sixty percent (60%) of the area of the lot and a minimum of fifty lineal feet (50) of road frontage. The requirement of a minimum of fifty lineal feet (50) of road frontage cannot be changed or varied under this ordinance. The dwelling shall be located at least six hundred sixty feet (660) from any confinement livestock or animal operation or thirteen hundred and twenty feet (1320) if the operation is an open lagoon, except such distance does not apply to the dwelling of the owner of the livestock or animal operation or its operator.
8. Public transportation right-of-ways and railroad right-of-ways.
9. Kennels which are not otherwise regulated in this ordinance.
10. Any confinement feeding building or operation or any other high density confinement of animals that is located at least six hundred sixty (660) feet from any residential dwelling other than the owner or operator of the livestock or animal operation. Any confinement feeding building or operation shall be located at least Thirteen Hundred Twenty (1320) feet from any public building, school, church, or similarly situated buildings. A single phase open lagoon operation shall be at least Thirteen Hundred Twenty (1320) feet from any residential dwelling.

SECTION 925 – Permanent Special Exceptions in A-1 and A-2 Districts

The following are permitted as permanent special exceptions in the Agricultural A-1 and A-2 Districts when authorized by the Decatur County Board of Zoning Appeals:

1. Agricultural related businesses such as the retail sale of agricultural products, the sale of orchard products and the direct sale of agricultural components such as fertilizer, seeds or items related to the production of agricultural products, agricultural equipment, repair and service businesses, veterinary clinics, and stockyards.
2. An agricultural related industry that involves the processing of an agricultural product such as animal processing plants, seed processing plants and similar plants that directly process raw agricultural product;
3. Airports;
4. Privately owned County Clubs, campgrounds, golf courses, riding stables;
5. Group homes or residential rehabilitation facilities;
6. Day care facilities;
7. Recreational developments, campgrounds, outdoor theaters, sports activities or facilities;
8. A bed and breakfast, small tourist facilities, or private detached guest house or special employee living quarters;
9. Public utility structures, radio, microwave, television or other similar towers;
10. Private or public firearms ranges, game preserves or all terrain vehicle or motocross courses with such conditions to protect nearby property. The game preserve shall be at least 160 acres. Firearm ranges, all terrain vehicle, motorcycle, motocross, or any other race track or course shall be located at least Thirteen Hundred Twenty feet (1320) from the nearest residential dwelling other than the residence of the person seeking the special exception.
11. Water reservoir

SECTION 935 – Conditional Uses in A-1 and A-2 Districts

The following are conditional uses allowed in the A-1 and A-2 Districts and are regulated as follows:

- 1) Under this Ordinance in this District, a conditional use shall be limited in duration and specifically described in the approval by the Decatur County Board of Zoning Appeals. A conditional use may be granted by the Decatur County Board of Zoning Appeals upon determination in writing as follows:
 - a) The approval will not be injurious to the public health, safety, morals, and general welfare of the community;
 - b) The use and value of the area adjacent to the property included in the conditional use will not be affected in a substantially adverse manner;
 - c) The need for the conditional use arises from some condition peculiar to the property involved;
 - d) The strict application of the terms of this zoning ordinance will constitute an unnecessary hardship if applied to the property for which the conditional use is sought; and
 - e) The approval does not interfere substantially with the comprehensive plan adopted by the

Decatur County Area Plan Commission.

- 2) The following conditional uses may be approved by the Decatur County Board of Zoning Appeals in the A-1 and A-2 Districts.
 - a) A small business enterprise in development under the following conditions:
 - i) That the business is conducted entirely within a closed structure and such adjacent outside area as permitted under conditions established by the Decatur County Board of Zoning Appeals;
 - ii) That the business is operated entirely by the owner and his family that resides upon the premises;
 - iii) That the use, when permitted by the Decatur County Board of Zoning Appeals, shall have a definite expiration as determined by the Decatur County Board of Zoning Appeals which shall not exceed five (5) years;
 - iv) Such other specifications that the Decatur County Board of Zoning Appeals determines are necessary for the health, safety, or welfare of the adjoining property owners.
 - b) Home occupations under the following conditions:
 - i) That the occupation is conducted entirely within the dwelling or in a detached building as approved by the Decatur County Board of Zoning Appeals;
 - ii) That the occupation is conducted entirely by members of the family that reside within the dwelling;
 - iii) That no signs or advertisements are displayed upon the premises unless approved by the Decatur County Board of Zoning Appeals;
 - iv) That the occupation customarily will provide its product or service to limited number of customers or clients at the same time;
 - v) That the occupation does not require the storage of materials outside any structure;
 - vi) Such other specifications that the Decatur County Board of Zoning Appeals determines are necessary for the health, safety and welfare of the adjoining property owners.
 - c) Road side retail stands that sell produce and related items for a limited period of time during a season.

SECTION 940 – Building Permits and Lot Size in A-1 and A-2

The following are requirements for a building permit in both the A-1 and A-2 Agricultural Districts.

1. A residence in the A-1 District shall be located upon a parcel of real estate that existed before November 1, 1996. A residential dwelling in an A-2 District shall be located upon lots or parcels of at least 1.5 acres.
2. After November 1, 1996, any application for a dwelling within this Agricultural District shall include either a recorded deed or recorded affidavit of dedication with a survey

indicating the boundaries of the area this is dedicated to the dwelling to establish compliance with the regulations under this ordinance;

3. If the application for the building permit of a dwelling does not include a recorded deed or affidavit of dedication with survey, then the entire area of contiguous real estate owned by the applicant as shown upon the real estate transfer records of the Auditor of Decatur County, Indiana, shall be the area dedicated for the dwelling for all purposes under this ordinance and the issuance of the building permit;
4. Before any building permit for a dwelling is issued, the applicant shall present a certificate from the Decatur County Department of Health that the lot is approved for a septic system or sewage treatment under the rules and regulations established by the Decatur County Department of Health;
5. All sizes, distances of dimensions in this District may be varied by the Decatur County Board of Zoning Appeals, however, the Decatur County Board of Zoning Appeals shall not vary in any way, the minimum area required for construction of a single family residential dwelling.

SECTION 945 – Size and Distance Regulation – A-1 and A-2

The following applies to both A-1 and A-2 Districts:

1. No structure of any kind, nature or purpose shall be more than 30 feet from the ground in height, except grain elevators, grain storage or other agricultural handling or processing equipment, unless otherwise authorized by the Decatur County Board of Zoning Appeals;
2. No water well shall be located within 100 feet from any lot line. If the lot width is less than 200 feet, then the well shall be located at least 75 feet from the lot line unless otherwise varied by the Decatur County Board of Zoning Appeals;
3. No lot for building purpose shall be less than one hundred fifty (150) feet in width across at least sixty percent (60%) of the area of the lot and shall have a minimum of fifty (50) lineal feet of public road frontage. The requirement of a minimum of fifty (50) lineal feet of public road frontage cannot be changed or varied under this ordinance.
4. All dwellings or other structures shall be at least seventy (70) feet from the middle of any public road and at least eighty (80) feet from the edge of the right-of-way along any State or Federal Highway, except confinement feeding buildings shall be at least one hundred fifty (150) feet from the edge of the surface of any public road;
5. All dwellings and structures shall be at least thirty (30) feet from any lot line. If a structure over thirty (30) feet in height is authorized by the Decatur County Board of Zoning Appeals, then such structure shall be located from any lot line at least a distance equal to the height that the structure is above ground.

SECTION 950- Accessory Uses

Accessory buildings and structures, such as garages, private enclosed swimming pools, pump houses, or other such buildings are permitted within the A-1 and A-2 Districts under a building permit if the building is incidental or necessary to the residential or agricultural uses allowed in

the Districts.

SECTION 955 – Requirements for Single Wide Manufactured Homes

Single Wide Manufactured Homes are not permitted in the A-1 or A-2 Districts unless said Single Wide Manufactured Home existed in said Districts at the time of enactment of this Ordinance. If a Single Wide Manufactured Home exists in either the A-1 or A-2 District at the time of enactment of this Ordinance, but would be removed from the A-1 or A-2 District at any point in time after the enactment of this Ordinance, then the Single Wide Manufactured Home that was removed after the enactment of this Ordinance must be replaced within six (6) months from the date of removal. If the removed Single Wide Manufactured Home is not replaced in six (6) months, then it cannot be replaced and will only be permitted in an R-4 District designated Single Wide Manufactured Home Park or Single Wide Manufactured Home Subdivision.

ARTICLE 10

RESIDENTIAL (R)

SECTION 1000 – Residential District (R) Intent

The purpose of the residential districts is to limit development to residential dwellings to provide a stable and predictable living environment. The R-1 residential district is designed as the most restrictive residential area which provides the land owner with the most predictable, although restrictive future development. The R-2 districts through the R-4 districts provide less restrictive and more flexible future development under this Ordinance. Residential Districts presume that the area is served by water utilities, sewer facilities, the contiguous area is planned for traffic, hard surface roads, surface water and drainage.

SECTION 1005 – R-1 Principally Permitted Uses

The following are Ordinance permitted uses in an R-1 District, One-Family Residential District:

1. One-family detached dwellings, including residential accessory structures consisting of a single detached building that does not exceed 720 square feet, a private swimming pool, private tennis court, or similar private accessory structures;
2. Public Parks and Playgrounds;
3. Group home for developmentally or mentally disabled persons as required by Indiana law;
4. Essential utility services, but not utility structures, utility service facilities, or any utility building;
5. No kennels are allowed in this District;

SECTION 1010 – R-1 Permitted Exceptions

No Exceptions are permitted as Permanent Special Exceptions by the Decatur County Board of Zoning Appeals in the R-1 District.

SECTION 1015 – R-1 Conditional Uses and Criteria

The Decatur County Board of Zoning Appeals shall not allow conditional uses in the R-1 District.

SECTION 1020 – R-2 Principally Permitted Uses

The following are Ordinance permitted uses in an R-2 One or Two Family Residential District:

1. One-family detached dwellings including residential accessory structures consisting of a single, detached building that does not exceed 720 feet, a private swimming pool, private

- tennis court, or similar private accessory structures;
- 2. Two-family attached dwellings;
- 3. A group home for developmentally or mentally disabled persons as required by Indiana law;
- 4. Public Parks and Playgrounds;
- 5. Essential utility services but not utility structures, utility services facilities, or utility buildings.
- 6. No Kennels are allowed in this District.

SECTION 1025 – R-2 Permitted Exceptions

The following are permitted as Permanent Special Exceptions when authorized by the Decatur County Board of Zoning Appeals in the R-2 District:

- 1. Schools and Public Libraries;
- 2. Churches and Chapels;
- 3. Cemeteries;
- 4. Municipal buildings, fire departments, and police departments;
- 5. Public utility structures;
- 6. Nursery schools and in-home day care facilities;
- 7. Bed and breakfast lodging facilities where the owner also occupies the facility as their residence.

SECTION 1030 – R-2 Conditional Uses

The Decatur County Board of Zoning Appeals may allow Conditional Uses in the R-2 District which when granted shall specifically describe and define the permitted activity and limit the duration of the activity:

- 1.) Home Occupations under the following conditions:
 - a. That the occupation is conducted entirely within the dwelling or its attached garage;
 - b. That the occupation is conducted entirely by members of the family that reside within the dwelling;
 - c. That no signs or advertisements are displayed upon the premises unless approved by the Decatur County Board of Zoning Appeals;
 - d. That the occupation customarily will provide its product or service to a limited number of customers or clients at the same time;
 - e. That the occupation does not require the storage of materials outside any structure;
 - f. Such other specifications that the Decatur County Board of Zoning Appeals determines are necessary for the health, safety, and welfare of adjoining property owners.

SECTION 1035 –R-3 Principally Permitted Uses

The following are Ordinance Permitted Uses in an R-3 Multiple Family Residential District:

1. One-family, detached dwelling including residential accessory structures consisting of a single, detached building that does not exceed 720 square feet, a private swimming pool, private tennis court, or similar private accessory structures;
2. Two-family attached dwellings, and also any apartment units or multiple family attached or detached units;
3. a Group home for developmentally or mentally disabled persons as required by Indiana law;
4. Public Parks and Playgrounds;
5. Essential utility services but not utility structures, utility service facilities, or utility buildings unless such structures are approved as a Special Exception;
6. Schools, Public Libraries, Museums;
7. Municipal buildings, fire departments, and police departments;
8. Churches and Chapels;
9. Cemeteries;
10. No Kennels are allowed in this District.

SECTION 1040 – R-3 Conditional Uses

The Decatur County Board of Zoning Appeals may allow Conditional Uses in the R-3 District which when granted shall specifically describe and define the Permitted Activity and also limit the duration of the activity:

- 1) Home occupations under the following conditions:
 - a) That the occupation is conducted entirely within the dwelling or its attached garage;
 - b) That the occupation is conducted entirely by members of the family that reside within the dwelling;
 - c) That no signs or advertisements are displayed upon the premises unless approved by the Decatur County Board of Zoning Appeals;
 - d) That the occupation customarily will provide its product or service to limited number of customers or clients at the same time;
 - e) That the occupation does not require the storage of materials outside any structure;
 - f) Such other specifications that the Decatur County Board of Zoning Appeals determines are necessary for the health, safety and welfare of the adjoining property owners.

SECTION 1045 – R-4 Principally Permitted Uses

The following are Ordinance permitted uses in an R-4 Multiple Family Residential District:

1. One-family, detached dwelling including residential accessory structures consisting of a detached garage that does not exceed 720 square feet, a private swimming pool, private tennis court, or similar private accessory structures;
2. Two-family, attached dwellings including residential accessory structures consisting of a detached garage that does not exceed 720 square feet, a private swimming pool, private tennis court, or similar private accessory structures;
3. Apartment units or multiple family attached or detached units;

4. A group home for developmentally or mentally disabled persons as required by Indiana Law;
5. Public parks and Playgrounds;
6. Essential utility services but not utility structures, utility service facilities, or utility buildings unless such structures are approved as a Special Exception;
7. Schools, Public Libraries; and Museums;
8. Municipal buildings, fire departments, and police departments;
9. No Kennels are allowed in this District.

SECTION 1050 – R-4 Permitted Exceptions

The following are permitted as Permanent Special Exceptions when authorized by the Decatur County Board of Zoning Appeals in the R-4 District:

1. Churches and Chapels;
2. Cemeteries;
3. Hospitals;
4. Nursing Homes;
5. Public utility structures;
6. Civic, fraternal, or private lodges or club facilities;
7. Funeral homes;
8. Single wide manufactured home parks and single wide manufactured home subdivisions
9. Nursery schools and in-home private day care facilities;
10. Bed and breakfast lodging facilities where the owner also occupies the facility as their residence;
11. Home occupations under the following conditions:
 - a. That the occupation is conducted entirely within the dwelling or its attached garage;
 - b. That the occupation is conducted entirely by the members of the family that reside within the dwelling;
 - c. That no signs or advertisements are displayed upon the premises unless approved by the Decatur County Board of Zoning Appeals;
 - d. That the occupation customarily will provide its product or service to a limited number of customers or clients at the same time;
 - e. That the occupation does not require the storage of materials outside any structure;
 - f. Such other specifications that the Decatur County Board of Zoning Appeals determines is necessary for the health, safety, and welfare of the adjoining property owners.

SECTION 1055 – Prior Residential Zoning Districts

The provisions of the R-4 District shall hereinafter be the provisions for the prior existing R-5 and R-6 Districts.

SECTION 1060 – Size and Distance Regulation

The following are the minimum dimensions and area requirements for buildings or structures within residential districts:

Classification	Minimum Front Yard Depth	Minimum Side Yard Depth	Minimum Rear Yard Depth
R-1	40 feet	10 feet	35 feet
R-2	30 feet	8 feet	30 feet
R-3	30 feet	6 feet	20 feet
R-4	30 feet	6 feet	20 feet

All distances in this District shall be measured from the edge of the public road right-of-way.

Classification	Height Limitation	Minimum Lot Width	Minimum Area
R-1	35 feet	100 feet	12,000 square feet
R-2	35 feet	75 feet	7,500 square feet
R-3	35 feet	60 feet	7,500 square feet
R-4	35 feet	60 feet	7,500 square feet

Height limitation applies to all structures in this District. The height for purposes of this section shall be the distance from the ground to the structure's highest point.

ARTICLE 11

BUSINESS DISTRICTS

SECTION 1100 – Business District Intent

The purpose of the business district is to assure the orderly development and use of real estate in which business, retail sales and economic development are given priority. The development must coordinate traffic movement, pedestrian movement, parking, fire protection, police protection, and necessary access by sources of supply for the business enterprise. This District is characterized by compact use of the real estate area.

The maps for this District establish four (4) categories that are more specifically described as follows:

- (1) Map Designation B-1 is intended to be a transition area between the Map Designation of the Residential District and the Map Designation of B-2. This business area is intended to be utilized by local residents or as a neighborhood business that is relatively compatible with residences. The businesses require low to moderate vehicular traffic, they are relatively small in size with a small number of employees, minimal parking requirements, and the primary business product is a service;
- (2) Map Designation B-2 is the general business district for all consumer retail businesses;
- (3) Map Designation B-3 is the heavy business district for non-consumer; commercial sales and service; wholesale businesses; and businesses that deal with equipment, machinery, or products that require large size truck traffic or noise.

SECTION 1105 – Principally Permitted Uses B-1

The following uses are permitted in the B-1 District:

1. Welfare and charitable services;
2. Banking and financial services savings and loan associations, credit unions and other credit services; business and personal credit services and title services, security brokers investment services and finance companies;
3. Office supplies and equipment, copy centers, and small print shops;
4. Insurance carriers and agents, accounting, auditing and bookkeeping services, travel agents and agencies, detective and protective services;
5. Real estate operators, agents, lessors and real estate sub-dividing and developing services, operative builders and related services, real estate agents brokers and management services;

6. Physician and dental services, but not clinics or multiple specialty group practices or extended medical treatment facilities;
7. Legal, engineering, architectural, education and scientific research services, charitable and social services administration offices;
8. Professional, social, fraternal, civic and business associations and organizations with all meetings and activities being conducted indoors;
9. Beauty and barber services and tanning salons, and massage;
10. Group Child Care Centers Class I and II (Site Plan Review required) ;
11. Bed and Breakfast Inns;
12. Laundering, dry cleaning and dyeing services including self-service, alteration and garment repair and custom tailoring, shoe repair, shoe shining and hat cleaning services. Laundromats and self-service washing and drying;;
13. Photography studios, retail sales of cameras and accessories, photo finishing services and supplies, picture framing;
14. Art, music, dancing, karate or similar schools;
15. Dwelling units, provided the living area is located within the structure of a business and the living area does not occupy more than 50 percent of the structure.
16. Funeral Homes and crematoriums including cemeteries or mausoleums.

SECTION 1110 - Accessory Uses B-1

Accessory uses, buildings and structures customarily incidental and subordinate to any of the permitted uses defined to be:

1. Uses or spaces of integral relation to the developed portions of the district;
2. Accessory uses for dwelling listed in Article 10;
3. Signage;
4. Parking;
5. Temporary buildings incidental to construction;
6. Storage, uncrating or unpacking areas provided such activities are an integral function of a permitted use and do not create enclosed or outside spaces which will tend to enlarge or overpower the activities of permitted uses;
7. Automatic teller machines;
8. Recycling collection points;
9. Recreation.

SECTION 1115 – Conditional Uses and Criteria B-1

The following uses and appropriate accessories subject to the approval and conditions of the Board of Zoning Appeals provided: a) the activity is an integral and subordinate function of a permitted commercial use, professional or personal service; or b) the activity will further add to and not detract from the creation of a compact, multi-purpose center; and, c) the arrangement of uses, buildings or organization of permitted and accessory uses to be protected in the district:

1. Garden and landscape sales including florist greenhouses, lawn furniture, gazebos, sheds and the like;
2. Mini-warehouses or storage facilities;
3. Printing of newspapers, books, and periodicals;
4. Real estate management services and builders offices etc. requiring outside storage equipment or supplies;

SECTION 1120 – Permitted Permanent Special Exceptions B-1

The following are permitted as permanent special exceptions when authorized by the Decatur County Board of Zoning Appeals in the B-1 District:

1. Municipal or public buildings such as libraries, post offices, museums, schools, fire stations, City Hall, senior citizen centers, and similar buildings or uses; also public parks and playgrounds;
2. Professional medical or dental clinics or multiple specialty treatment facilities and nursing homes;
3. Private clubs and fraternal lodges;
4. Parking lots, veterinary clinics, animal kennels;
5. Food service facilities designed for pick up or delivery but not for on premises consumption.

SECTION 1125 – Principally Permitted Uses B-2

The following uses are permitted in B-2:

1. Eating and drinking establishments, including alcoholic beverages, and pizza delivery, excluding drive-thru facilities;
2. Grocery stores and supermarkets; convenience stores; liquor, beverage, drug, and proprietary stores;
3. Music, video, and game rental stores;
4. Household appliances, china, glassware and metal ware;
5. Stores with retail sales of meat, fish, seafood, dairy, poultry products, fruit and vegetables, bakeries, candy/nut/confectionery stores;

6. Real estate management services and builders' offices (excluding outside storage of equipment and the like);
7. Postal services and packaging services provided the use is essential for pick-up and delivery convenience and not storage or transfer activities;
8. Veterinary services, pet grooming services, and boarding of animals;
9. Writing and publishing of newspapers, periodicals and books;
10. Family clothing, shoe stores, specialty clothing or boutiques, and other apparel retail trades;
11. Sales and repair of computers, radios, televisions, VCR's, clocks, pianos, and jewelry sales and repair;
12. Hardware and home improvement stores, paint, glass, and wallpaper stores and related products;
13. Draperies, curtains, upholstery and floor coverings, carpet and rugs, and related household products;
14. Furniture and bedding stores, antiques, used merchandise, other specialty stores, art, craft, hobby supplies and products, gifts and novelties, and pawn shops;
15. Book, newspaper, magazine, and card stores;
16. Colleges, junior colleges, universities, including fraternity and sorority houses, dormitories, business colleges, trade schools, boarding nursery schools, preschools, libraries, and museums;
17. Florists including greenhouses;
18. Sporting goods sales, indoor shooting ranges, fitness and recreation centers including gymnasiums, clubs, and similar indoor athletic uses;
19. Churches, synagogues, temples, and other places of religious assembly for worship;
20. Assisted living, adult care, nursing and rest homes, hospitals, clinics and institutions for the care of the aged and for children, homeless shelters and other similar and related residential uses;
21. Police and fire stations, ambulance services;
22. Telephone exchange stations, radio broadcasting studios, television broadcasting studios and other communication centers and offices excluding any relay, transmitting or receiving towers or similar equipment;
23. All principally permitted uses of a B-1 District including drive-thrus and all permanent special exceptions allowed in the B-1 District;
24. Department stores, mail order houses, direct retail selling organizations of general merchandise;
25. Art and craft galleries and similar exhibit space;
26. Aquariums, botanical gardens and other natural exhibitions;

27. Motion picture theaters (indoor);
28. Bowling alley, skating rinks, roller skating rinks, miniature golf courses golf driving ranges, and skateboard facilities;
29. Hotels and motels including convention facilities;
30. Garden and landscape sales including florist greenhouses, lawn furniture, gazebos, sheds and the like;
31. Garden and landscape sales, lawn furniture and the like, farm and garden supply outlets including equipment and vehicles;
32. Self storage facilities;
33. Reupholsters and furniture repairing and refinishing services;
34. Telecommunication towers according to standards in this ordinance;
35. Hospitals, mental facilities, facilities for the insane, substance abuse and related facilities;
36. Water towers, electrical substations, telephone switching stations, facilities dealing with boosting or receiving data or communications signals and county garage facilities;
37. Jails, and detention centers or similar uses excluding prisons or correctional facilities;
38. Car wash, retail auto parts store;
39. General office buildings;
40. Billiard room.

SECTION 1130 - Accessory Uses B-2

Accessory uses, buildings and structures customarily incidental and subordinate to any of the permitted uses including:

1. Uses or spaces of integral relation to the developed portions of the district;
1. Accessory uses for dwelling;
2. Signage;
3. Parking;
4. Temporary buildings incidental to construction;
5. Storage, uncrating or unpacking areas provided such activities are an integral function of a permitted use and do not create enclosed or outside spaces which will tend to enlarge or overpower the activities of permitted uses;
6. Automatic teller machines;
7. Recycling collection points;
8. The rental of trucks and trailers (only permitted to be displayed in the side or rear of the property);
9. Recreation.

SECTION 1135 – Conditional Uses and Criteria B-2

The following uses and appropriate accessories subject to the approval and qualifications of the Board of Zoning Appeals provided: a) the activity is an integral and subordinate function of a permitted commercial use, professional or personal service; or b) the activity will further add to, not detract from, the creation of a compact, multi-purpose and pedestrian oriented commerce center; and c) the arrangement of uses, buildings or structures will be mutually compatible with the organization of permitted and accessory uses to be protected in the district:

1. Drive-in restaurants, movie theater or similar use;
2. Truck stops, wash and repair facilities;
3. Flea markets and similar uses;
4. Real estate management services and builders offices etc. requiring outside storage equipment and the like;
5. The writing, publishing of newspapers, periodicals and books provided any printing operation is subservient to the writing and publishing activity and does not conflict with the purposes of permitted uses of the district;
6. Radio and television transmitting or relay stations; antennas or satellite dishes, telephone exchange stations, radio broadcasting studios, television broadcasting studios and other communication centers and offices requiring relay, transmitting or receiving towers or similar equipment;
7. Automotive repair facility and wash services for vehicles;
8. Eating and drinking establishments, including alcoholic beverages, with drive-thru facilities;
9. Small scale sales or leasing of new and used motor vehicles requiring the storage of no more than fifty (50) vehicles on the premises;
10. Telecommunications towers, radio and television transmitting or relay stations; antennas or satellite dishes, telephone exchange stations, radio broadcasting studios, television broadcasting studios and other communication centers and offices requiring relay, transmitting, or receiving towers or similar equipment;
11. Water towers, electrical substations, telephone switching stations, facilities dealing with boosting or receiving data or communications signals and county garage facilities;

SECTION 1140 – Permanent Special Exceptions B-2

The following are permitted as Permanent Special Exceptions in the B-2 District when authorized by the Decatur County Board of Zoning Appeals:

1. Gas station with light service such as oil change, headlight replacement, but not general repair or replacement of major engine or vehicle body parts;
2. Print shops, small engine repair and service, lawn mower sales;
3. Animal kennels, commercial facilities for raising or breeding of non-farm animals;
4. Billiard room with sales and service, spa sales and service, satellite sales and service,

- swimming pool sales, supplies and service;
5. Communication Towers.

SECTION 1145 – Principally Permitted Uses B-3

The following uses are permitted in the B-3 District:

1. Arcades and other amusement centers;
2. Gasoline filling station and automotive repair facility;
3. Sales of automobile, boats, and other watercraft, motorcycles, farm implement, lawn and garden equipment, recreational vehicles, campers, single wide manufactured homes, sheds, car ports, and other pre-fabricated buildings;
4. Golf courses, miniature golf, driving ranges, go-cart tracks, and other specialized amusement facilities, roller skating, bowling, swimming beaches, skiing, and other similar outdoor activities;
5. Camping, recreation vehicle camps (transient or seasonal use only) and related activities, dude ranches, youth camps, retreat centers, health resorts, ski resorts, amusement and water parks, fairgrounds, and amphitheaters;
6. Yachting, boat rentals, boat access sites and marinas, including the sale of fuels;
7. Stadiums, arenas, field houses, race tracks, both vehicle and animal related activities and uses;
8. Sporting goods and accessories including the sales and service of new and used marine craft, recreational vehicles, camping trailers, motorcycles, and other sporting equipment and sales;
9. Sales of lumber, building materials, heating and plumbing equipment, electrical supplies, hardware, farm equipment (normally require large outside storage and display areas);
10. Equipment, tool, automobile, truck rental and leasing services;
11. Airports, bus terminals, or other transportation facilities;
12. Automobile and Truck service and repair, automobile body shops, and painting shops;
13. Any utility structure, substation, or pumping station;
14. Wholesale businesses;
15. Dairy processing plants, wholesale bakeries and bakery products prepared for shipping and delivery, beverage bottling plants;
16. General auction barns or facilities, but not animal, vehicle, or farm machinery auctions;
17. Essential utility services;
18. Any Principally Permitted Use in B-1 and B-2 Districts, and any Permanent Special Exception in the B-1 and B-2 Districts;
19. Communication Towers.

SECTION 1150 – Permanent Special Exceptions B-3

The Decatur County Board of Zoning Appeals may approve a special exception in the B-3 District that conforms to the following definitions and exceptions:

Any business not particularly described or permitted in any other section of this Ordinance that is unique or has a mixed character that may involve both sales characteristics and manufacturing or fabricating operations. These businesses may include businesses of multiple characteristics that are somewhat compatible with industrial districts and somewhat compatible with business districts.

Furthermore, Sexually Oriented Businesses can be approved in the B-3 District as a Permanent Special Exception when approved by the Decatur County Board of Zoning Appeals and in compliance with the article contained in this Ordinance regarding Sexually Oriented Businesses.

SECTION 1155 – Size and Distance Regulation B-1, B-2, and B-3

The following are the dimension or distance requirements for uses or structures within the Business Districts:

1. All buildings or structures in all business districts shall be located at least seventy (70) feet from any Federal, State, local road, or public right-of-way;
2. All buildings or structures shall be located at least ten (10) feet from the real estate boundary line on each side;
3. All buildings or structures shall be located at least twenty (20) feet from any rear real estate boundary line;
4. Buildings shall not exceed the following heights: B-1 not more than twenty (20) feet; B-2 not more than forty (40) feet; and B-3 not more than fifty (50) feet;
5. No structure, storage, parking or related business operation shall be located within two hundred (200) feet of the boundary line of any residential district unless otherwise varied and approved by the Decatur County Board of Zoning Appeals at a hearing with proper notice to interested persons according to law.

SECTION 1160 – Accessory Uses B-1, B-2, and B-3

Any accessory uses in the Business Districts must comply with the size and distance regulations for the Districts.

ARTICLE 12

INDUSTRIAL DISTRICTS

SECTION 1200 – Industrial Districts Intent

The intent of this article is to create districts, which provide for central, compact centers of industry, which are compatible in activities and scale. In addition, this article will provide for appropriate public facilities and/or services to the permitted uses identified in the district and adequate support infrastructure. Such districts are located in areas which provide employment opportunities for community and regional labor markets. Districts will be located on suitable lands accessible from expressways and/or arterials. This article allows for integrated office campus and/or industrial/warehouse developments with a business park setting, characterized by landscaped entrances, boulevard streets, large amount of green space and low building coverage ratio, multi-level buildings, constant architectural and signage theme, parking structures, and integrated pedestrian and recreation facilities.

Commercial and retail businesses permitted by this article are intended to serve the manufacturing and industrial uses permitted within this article and not serve as additional business districts.

SECTION 1202 – I-1 Light Industrial District Intent (I-1)

The purpose of the I-1 district is to allow different types of small to large-scale light manufacturing, warehouse, distribution and related service uses, which require direct accessibility to a regional transportation system. Manufacturing operations in this district will generally not utilize unrefined raw materials, whose processing may potentially create undesirable noise, odors, dust, smoke, hazardous materials or waste or be delivered in large bulk transportation forms.

SECTION 1204 - Permitted Principal Uses, I-1 Light Industrial District. The following uses are permitted in an I-1 Light Industrial District.

- (a) Manufacturing, processing or assemblies of products, materials, or articles that meet the performance standards for this district, provided that it is not specifically prohibited.
- (b) Wholesale, storage, and warehouse uses
- (c) Agricultural businesses and supplies
- (d) Livestock exchanges
- (e) Any repair or reconditioning operation
- (f) Any utility structure
- (g) All auction barns of facilities including animals, vehicles or farm equipment
- (h) Transportation facility or service

SECTION 1206 - Permitted Exceptions, I-1 Light Industrial District. The following uses are prohibited in the Map Designation I-1, unless permitted as a Special Exception by the Board of Zoning Appeals under Indiana code 36-7-4-918.2

- (a) Fuel storage and agricultural chemicals
- (b) Penal or correctional institution
- (c) Concrete and asphalt mixing, processing, or storage
- (d) Storage or processing of any salvage materials including automobiles salvage and wrecking operations and industrial waste salvage operation
Said storage shall be shielded from view by means of sturdy, sight-obscuring, eight foot high fence in good repair and two rows of alternate planted evergreen trees or like vegetation.
- (e) Manufacturing of asphalt, cement, gypsum, or wood preservatives
- (f) Saw mills and finishing or processing of wood products

SECTION 1208 - Performance Standards for an I-1 Light Industrial District. In the event that it is necessary to determine if an industrial site is in compliance with the performance standards set forth herein, it shall be the obligation of the owner of the industrial site to obtain the appropriate testing and reports to substantiate compliance with the various performance standards.

1. Physical Appearance. Normal daily wastes of an inorganic nature shall be stored in containers outside the building provided the containers are screened and not readily visible from the road.

2. Noise. No operating shall be carried on which involves noise in excess of the normal adjacent traffic road noise.

- (a) Noise shall be measured at the property line, when the level of noise cannot be determined by observation with the natural senses, a suitable instrument may be used and measurement may include breakdowns into a reasonable number of frequency ranges.
- (b) All noises shall be muffled so as not to be objectionable due to intermittence, best frequency, pound or shrillness.

3. Sewage and Liquid Waste. All sewage must be in compliance with Federal and State Regulation and with local ordinances.

4. Air Contaminants. All Federal and State air emissions regulations shall be met.

(a) Due to the fact that the possibilities of air contamination cannot be reasonably covered in this section due to the comprehensive nature of air contaminates, there shall be applied the general rule that there shall not be discharged from any sources whatsoever quantities of air contaminants or other material in such a quantity as to cause injury, detriment, nuisance, or annoyance to any considerable number of persons or to the public in general; to endanger the comfort, repose, health, or safety of any considerable number of persons or to the public in general; or to cause or have a natural tendency to cause injury or damage to business, vegetation, or property.

5. Odor. The emission of odors that are generally agreed to be obnoxious to any considerable number of persons shall be prohibited.

- (a) Observation of odor shall be made at the property line of the establishment causing the odor.

(b) As a guide to classification of odor, it shall be deemed that strong odors of putrefaction and fermentation tend to be obnoxious within the meaning of this chapter.

6. Gasses. The gasses, sulfur dioxide and hydrogen sulfide, shall not exceed five parts per million. Measurement shall be taken at the property line of the particular establishment involved.

7. Glare and Heat. All glares, such as welding arcs and open furnaces, shall be shielded so that they shall not be visible from the property line. No heat from furnaces or processing equipment shall be sensed at the property line to the extent of raising the temperature of air or materials more than 5 degrees F.

8. Vibrations. All machines, including punch presses and stamping machines, shall be mounted so as to minimizing vibration; in no case shall vibrations exceed a displacement of 3/1000 of an inch measured at the property line.

SECTION 1210 – Development Requirements, I-1 Light Industrial District.

When located less than 600 feet from the nearest Residence; Residential, R-District; or Business, B-District; any such operation must submit an application to the Decatur County Board of Zoning Appeals to approve a variance of the setback requirement. Options for the Board of Zoning Appeals to consider would be to enclose the area by a fence, not less than six feet in height, an earth embankment not less than twenty feet in height, or two rows of alternated planted evergreen trees or similar vegetation with said plant material to be located no closer than 30 feet from the district line. The Board of Zoning Appeals shall have full discretion to mandate the type of buffer area required in order to grant a variance for the I-1 Light Industrial District to be located closer than the 600 foot setback requirement. Any remodel, expansion, or improvement of existing structures or parcels shall be subject to the regulations. Employee parking is permitted within the 600 foot setback area.

SECTION 1212 – Prohibited Uses, I-1 Light Industrial District.

- (a) All residential dwellings and mobile homes used as a residence
- (b) Schools, hospitals, clinics, libraries, churches, chapels, public parks, public recreational areas, lodges or club facilities, and cemeteries.
- (c) Confinement feeding operations used for the growing of animals but this section does not prohibit facilities of animals for resale, auction, processing, or transportation such as stockyards.
- (d) Sanitary landfill operations.

SECTION 1214 – Size and Distance Regulations, I-1 Light Industrial District.

All distances in this section shall be measured from edge of the public right-of-way. Height limitations apply to all structures in this section, from the ground to the structures highest point. The height of all structures shall not exceed 60 feet.

- (1) Minimum / Maximum requirements for I-1 zoning classification:
 - a. Minimum lot size-50,000 square feet
 - b. Minimum lot width-200 feet

- c. Minimum front set back-70 feet
- d. Minimum side set back-50 feet
- e. Minimum rear set back-50 feet
- f. Maximum height-60 feet
- g. Maximum Lot Coverage – Eighty Percent (80%)

SECTION 1216 – I-2 Heavy Industrial District Intent (I-2).

The purpose of the I-2 Heavy Industrial District is to provide for those types of heavy industrial uses, which have extensive outside storage requirements, require large movement of vehicles and goods and cannot be accommodated in an I-1 district. Uses in this district involve heavy equipment, machinery, or other products, which require sufficient infrastructure and results in a substantial economic impact. Uses in this district will generally utilize unrefined raw materials, whose processing may potentially create noise, odors, dust, smoke; involve hazardous materials or waste or be delivered in large bulk transportation forms. Such districts will be organized to provide employment opportunities for regional and extra regional labor markets. Districts will be located on lands with direct access to expressways and/or arterials, rail lines and navigable waterways.

SECTION 1218 – Permitted Principal Uses, (I-2) Heavy Industrial District.

The following principal uses and structures shall be permitted in Heavy Industrial Districts (I-2)

- (a) Any use permitted in the light industrial district (I-1)
- (b) Meat and poultry packing, slaughtering, eviscerating and skinning, and the rendering of by products of slaughtering and killing of animals or poultry.
- (c) Fertilizer manufacturing
- (d) Any industrial use or operation that is not allowed in any other district under this ordinance.

In the event any junk, salvage, auto wrecking, or similar operation is conducted in this I-2 zoning classification, it shall be shielded from the view of the public by means of a sturdy, sight-obscuring, eight foot high fence in good repair and two rows of alternate planted evergreen trees or like vegetation.

SECTION 1220 – Permitted Exceptions, (I-2) Heavy Industrial District.

After the provisions of this chapter relating to special exceptions have been fulfilled, the Board of Zoning Appeals may permit, as a special exception in a Heavy Industrial District, any use that is consistent with the intent of this district and which is not prohibited.

- (a) Bio industries or ethanol plants
- (b) Bulk storage of petroleum not used on site manufacturing
- (c) Semi-truck washes
- (d) Explosives manufacturing
- (e) Fertilizer manufacturing, stock yard, slaughter house, leather curing and tanning

- (f) Incinerator used for the reduction of refuse
- (g) Junk or salvage yard
- (h) Mineral extraction
- (i) Petroleum refining and manufacturing
- (j) Reclaiming processes involving material or chemicals that are considered dangerous to the health, safety and welfare of the general public as determined by the State Board of Health.
- (k) Refining or manufacturing of asphalt, cement, gypsum, lime or wood preservatives.
- (l) Refining or manufacturing of petroleum and or petroleum products.
- (m) Sand and gravel extraction pit or sales
- (n) Sanitary landfill
- (o) Waste transfer stations or treating of waste

SECTION 1222 – Performance Standards, (I-2) Heavy Industrial District.

In the event that it is necessary to determine if an industrial site is in compliance with the performance standards set forth herein, it shall be the obligation of the owner of the industrial site to obtain the appropriate testing and reports to substantiate compliance with the various performance standards.

1. Noise . No operating shall be carried on which involves noise in excess of the normal traffic noise of the adjacent street at the time of the daily peak hour.

- (a) Noise shall be measured at the property line; when the level of noise cannot be determined by observation with the natural senses, a suitable instrument may be used and measurement may include breakdown into a reasonable number of frequency ranges.
- (b) All noises shall be muffled so as not to be objectionable due to intermittence, best frequency, or shrillness.

2. Sewage and Liquid Wastes. All sewage waste must be in compliance with Federal and State Regulations.

3. Air Contaminates. All air contaminates shall meet all Federal and State Air Emission Regulations.

(a) Due to the fact that the possibilities of air contamination cannot be reasonably covered in this section due to the comprehensive nature of air contaminates, there shall be applied the general rule that there shall not be discharged from any sources whatsoever quantities of air contaminants or other material in such a quantity as to cause injury, detriment, nuisance, or annoyance to any considerable number of persons or to the public in general; to endanger the comfort, repose, health, or safety of any considerable number of persons or to the public in general; or to cause or have a natural tendency to cause injury or damage to business, vegetation, or property.

4. Odor. The emission of odors that are generally agreed to be obnoxious to any considerable number of persons shall be prohibited.

(a) Observation of the odor shall be made at the property line of the establishment causing the odor.

(b) As a guide to classification of odor, it shall be deemed that strong odors of putrefaction and fermentation tend to be obnoxious and that odors associated with baking shall not normally be considered obnoxious.

5. Vibration. All machines, including punch presses and stamping machines, shall be mounted so as to minimize vibration. Vibration shall not be so excessive that it interferes with industrial operation or nearby lots.

6. Gasses. The gasses, sulfur dioxide and hydrogen sulfide, shall not exceed five parts per million. All nitrous fumes shall not exceed one part per million. Measurement shall be taken at the property line of the particular establishment involved.

7. Glare and Heat. All glares, such as welding arcs and open furnaces, shall be shielded so that they shall not be visible from the property line. No heat from furnaces or processing equipment shall be sensed at the property line to the extent of raising the temperature of air or materials more than 5 degrees F.

SECTION 1224 – Development Requirements, I-2 Heavy Industrial District.

When located less than 1000 feet from the nearest Residence; Residential, R-District; or Business, B-District; any such operation must submit an application to the Decatur County Board of Zoning Appeals to approve a variance of the setback requirement. Options for the Board of Zoning Appeals to consider would be to enclose the area by a fence, not less than six feet in height, an earth embankment not less than twenty feet in height, or two rows of alternated planted evergreen trees or similar vegetation with said plant material to be located no closer than 30 feet from the district line. The Board of Zoning Appeals shall have full discretion to mandate the type of buffer area required in order to grant a variance for the I-2 Heavy Industrial District to be located closer than the 1000 foot setback requirement. Any remodel, expansion, or improvement of existing structures or parcels shall be subject to the regulations. Employee parking is permitted within the 1000 foot setback area.

SECTION 1226 – Prohibited Uses, (I-2) Heavy Industrial District.

- (a) All residential dwellings used as a residence
- (b) Schools, hospitals, clinics, libraries, churches, chapels, public parks, public recreational areas, lodges or club facilities, and cemeteries.
- (c) Confinement feeding operations used for the growing of animals but this section does not prohibit facilities of animals for resale, auction, processing, or transportation such as stockyards.

SECTION 1228 – Size and Distance Regulations for an I-2 Heavy Industrial District.

All distances in this section shall be measured from the edge of the public right-of-way. Height limitations apply to all structures in this section from the ground to the structures highest point. The height of all structures shall not exceed 80 feet.

(a) Minimum / Maximum Requirements for I-2 Zoning Classification

- (1) Minimum lot size-217,800 square feet or 5 acres
- (2) Minimum lot width-250 feet
- (3) Minimum front set back 250 feet
- (4) Minimum side set back 100 feet
- (5) Minimum rear set back 100 feet
- (6) Maximum height-80 feet
- (7) Maximum Lot Coverage – Eighty Percent (80%)

ARTICLE 14

SEXUALLY ORIENTED BUSINESSES

SECTION – 1400 Purpose and Intent

It is the purpose and intent of this Article to regulate sexually oriented businesses to promote the health, safety, morals, and general welfare of the citizens of the County and to establish reasonable and uniform regulations to allow sexually oriented businesses in locations where their presence will cause no deleterious or adverse secondary effects. The provisions of this ordinance have neither the purpose nor effect of imposing a limitation or restriction on the content of any communicative materials, including sexually oriented materials. Similarly, it is not the intent or effect of this ordinance to restrict or deny access by adults to sexually oriented materials protected by the First Amendment, or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market. Neither is it the intent or effect of the ordinance to condone or legitimize the distribution of obscene material.

SECTION 1405 - Definitions

For the purpose of this Article, certain terms and words are defined as follows:

A. **Sexually Oriented Businesses** are those businesses defined as follows:

1. **Adult Arcade:** an establishment where pictures or images are shown by any medium or technology for viewing by five or fewer persons each, which are characterized by the depiction or descriptions of specified sexual activities or genital areas.
2. **Adult Novelty, Video or Bookstore:** a commercial establishment which has as a significant or substantial portion of its stock-in-trade or derives a significant or substantial portion of its revenues or devotes a significant or substantial portion of its interior business or advertising to the sale, rental for any form of consideration, of any one or more of the following:
 - a. Books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes, slides, or other visual representations which are characterized by the depiction or description of specified sexual activities or specified anatomical areas;
 - b. Instruments, devices, or paraphernalia which are designed for use or marketed primarily for stimulation of human genital organs or for sadomasochistic use or sexual abuse of themselves or others.
 - c. An establishment may have other principal business purposes that do not involve the offering for sale rental or viewing of materials depicting or describing specified sexual activities or specified anatomical areas, and still be categorized as adult bookstore, adult novelty store, or adult video store. Such

other business purposes will not serve to exempt such establishments from being categorized as an adult bookstore, adult novelty store or adult video store so long as one of its principal business purposes is offering for sale or rental, for some form of consideration, the specified materials which depict or describe specified anatomical areas or specified sexual activities.

3. **Adult Cabaret:** a nightclub, bar, restaurant, "bottle club", or similar commercial establishment, whether or not alcoholic beverages are served, which regularly features: (a) persons who appear nude, semi-nude or in a state of nudity; (b) live performances which are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities", or (c) films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by the depiction or description of specified sexual activities or specified anatomical areas.
4. **Adult Motel:** a motel, hotel or similar commercial establishment which: (a) offers public accommodations, for any form of consideration, which provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides or other photographic reproductions which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas" and which advertises the availability of this sexually oriented type of material by means of a sign visible from the public right-of way, or by means of any off-premises advertising including but not limited to, newspapers, magazines, pamphlets or leaflets, radio or television, or (b) offers a sleeping room for rent for a period of time less than ten (10) hours; or (c) allows a tenant or occupant to sub rent the sleeping room for a time period of less than ten (10) hours.
5. **Adult Motion Picture Theater:** a commercial establishment where films, motion pictures, video cassettes, slides or similar photographic reproductions which are characterized by the depiction or description of specified sexual activities or specified anatomical areas are regularly shown for any form of consideration.
6. **Adult Theater:** a theater, concert hall, auditorium, or similar commercial establishment which, for any form of consideration, regularly features persons who appear in a state of nudity or live performances which are characterized by exposure of "specified anatomical areas" or by "specified sexual activities."
7. **Escort:** a person who, for any form of consideration, agrees or offers to act as a companion, guide, or date for another person, or who agrees or offers to privately model lingerie or to privately perform a striptease for another person.
8. **Escort Agency:** a person or business association who furnishes, offers to furnish, or advertises to furnish escorts as one of its primary business purpose for a fee, tip, or other consideration.
9. **Massage Parlor:** any place where, for any form of consideration or gratuity, massage, alcohol rub, administration of fomentations, electric or magnetic treatments, or any other treatment manipulation of the human body which occurs as a part of, or in connection with "specified sexual activities", or where any person providing such treatment, manipulation, or service related thereto, exposes his or her "specified anatomical areas". The definition of sexually oriented business shall not include the

- practice of massage in any licensed hospital, nor by a licensed hospital, nor by a licensed physician, surgeon, chiropractor or osteopath or therapist, nor by any nurse or technician working under the supervision of a licensed physician, surgeon, chiropractor or osteopath, nor by trainers for any amateur, semiprofessional or professional athlete or athletic team or school athletic program.
10. **Nude Model Studio:** any place where a person, who regularly appears in a state of nudity or displays "specified anatomical areas" is provided for money or any form of consideration to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons.
 11. **Sexual Encounter Establishment:** a business or commercial establishment, that as one of its primary business purposes, offers for any form of consideration, a place where two or more persons may congregate, associate, or consort for the purpose of "specified sexual activities" or the exposure of "specified anatomical areas" or activities when one or more of the persons is in a state of nudity or semi-nude. The definition of sexually oriented businesses shall not include an establishment where a medical practitioner, psychologist, psychiatrist, or similar professional person licensed by the state engages in medically approved and recognized sexual therapy.
- B. **Employee** means a person who works or performs in and/or for a sexually oriented business, regardless of whether or not said person is paid a salary, wage or other compensation by the operator of said business.
- C. **Establishment** means and includes any of the following:
1. The opening or commencement of any such business as a new business;
 2. The conversion of an existing business, whether or not a sexually oriented business, to any of the sexually oriented businesses defined in this chapter;
 3. The addition of any of the sexually oriented businesses defined in this chapter to any other existing sexually oriented business; or
 4. The relocation of any such sexually oriented business.
- D. **Nudity or State of Nudity** means: (a) the appearance of human bare buttock, anus, male genitals, female genitals, or the areola or nipple of the female breast; or (b) a state of dress which fails to opaquely and fully cover a human buttocks, anus, male or female genitals, pubic region or areola or nipple of the female breast.
- E. **Operator** means and includes the owner, permit holder, custodian, manager, operator or person in charge of any permitted or licensed premises.
- F. **Permitted or Licensed Premises** means any premises that requires a license and/or permit and that is classified as a sexually oriented business.
- G. **Permittee and/or Licensee** means a person in whose name a permit and/or license to operate a sexually oriented business has been issued, as well as the individual listed as an applicant on the application for a permit and/or license.
- H. **Person** means an individual, proprietorship, partnership, corporation, association, or other legal entity.

- I. **Public Building** means any building owned, leased or held by the United States, the state, the county, the city, any special district, school district, or any other agency or political subdivision of the state or the United States, which building is used for governmental purposes.
- J. **Public Park or Recreational Area** means public land which has been designated for park or recreational activities including but not limited to a park, playground, nature trails, swimming pool, reservoir, athletic field, basketball or tennis courts, pedestrian/bicycle paths, open space, wilderness areas, or similar public land within the County which is under the control, operation, or management of the County park and recreation authorities.
- K. **Religious Institution** means any church, synagogue, mosque, temple or building which is used primarily for religious worship and related religious activities.
- L. **Residential District or Use** means a single family, duplex, townhouse, multiple family, or mobile park or subdivision and campground as defined in the Decatur County Zoning Ordinance.
- M. **School** means any public or private educational facility including but not limited to child day care facilities, nursery schools, preschools, kindergartens, elementary schools, primary schools, intermediate schools, junior high schools, middle schools, high schools, vocational schools, secondary schools, continuation schools, special education schools, junior colleges, and universities. "School" includes the school grounds, but does not include the facilities used primarily for another purpose and only incidentally as a school.
- N. **Semi-Nude** means a state of dress in which clothing covers no more than the genitals, pubic region, and areolae of the female breast, as well as portions of the body covered by supporting straps or devices.
- O. **Sexually Oriented Business** means an adult arcade, adult bookstore, adult novelty shop, adult video store, adult cabaret, adult motel, adult motion picture theater, adult theater, massage parlor, sexual encounter establishment, escort agency or nude model studio.
- P. **Specified Anatomical Areas**, as used in this division, means and includes any of the following:
1. Human genitals, pubic region, buttocks, anus, or female breast below a point immediately above the top of the areolae; or
 2. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.
- Q. **Specified Sexual Activities** as used in this division, means and includes any of the following:
1. The fondling or other intentional touching of human genitals, pubic region, buttocks, anus, or female breasts;
 2. Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, or sodomy;
 3. Masturbation, actual or simulated;
 4. Human genitals in a state of sexual stimulation, arousal or tumescence;

5. Excretory functions as part of or in connection with any of the activities set forth in subdivisions (1) through (4) of this subsection.
- R. **Substantial Enlargement of a Sexually Oriented Business** means increase in the floor areas occupied by the business by more than 15%, as the floor areas exist on the effective date of establishment.
- S. **Transfer of Ownership or Control of a Sexually Oriented Business** means and includes any of the following:
 1. The sale, lease or sublease of the business;
 2. The transfer of securities which constitute a controlling interest in the business, whether by sale, exchange or similar means;
 3. The establishment of a trust, gift or other similar legal device which transfers ownership or control of the business, except for transfer by bequest or other operation of law upon the death of a person possessing the ownership or control.

SECTION – 1410 Regulations for Sexually Oriented Businesses

The establishment of a sexually oriented business shall be permitted only in the specified B-3 zone as a Permitted Exception, and shall be subject to the following restrictions: No person shall cause or permit the establishment of any of the following sexually oriented businesses, as defined above and listed below, within 1,000 feet of another such Sexually Oriented Business or within 1,000 feet of any religious institution, school, boys club, girls club, or similar existing youth organization, or public park or public building, or within 1,000 feet of any property zoned for residential use or used for residential purposes. The Sexually Oriented Businesses are as follows:

1. Adult arcade
2. Adult bookstore, adult novelty store or adult video store
3. Adult cabaret
4. Adult motel
5. Adult motion picture theater
6. Adult theater
7. Massage parlor
8. Sexual encounter establishment
9. Escort agency, or
10. Nude model studio.

Nothing in this Section prohibits the location of sexually oriented business within retail shopping centers in all B-3 zones and within B-3 zones wherein such activities will have their only frontage upon enclosed malls or malls isolated from direct view from public streets, parks, schools, religious institutions, boys clubs, girls clubs, or similar existing youth organization,

public buildings or residential districts or uses without regard to the distance requirements listed above.

SECTION – 1415 Measurement of Distance

The distance between any two sexually oriented businesses shall be measured in a straight line, without regard to intervening structures, from the closest exterior structural wall of each business. The distance between any sexually oriented business and any religious institution, public or private elementary or secondary school, boys club, girls club, or similar existing youth organization, or public park or public building or any properties zoned for residential use or used for residential purposes shall also be measured from the nearest portion of the building or structure used as part of the premises where the sexually oriented business is conducted, to the nearest property line of the premises of a religious institution, public or private elementary or secondary school, boys club, girls club, or similar existing youth organization or public park or public building or any properties zoned for residential use or used for residential purposes.

SECTION – 1420 Location of Sexually Oriented Businesses

Sexually Oriented Businesses shall be permitted only as provided in this section in which such use is listed as permissible. Permits for sexually oriented businesses shall be required and governed by the procedures and policies specified by this Ordinance. In addition, any sexually oriented business shall be subject to the following restrictions:

- A. No person shall operate or cause to be operated a sexually oriented business except as provided in this Article.
- B. No person shall operate or cause to be operated a sexually oriented business within 1,000 feet of: (a) any religious institution; (b) any school; (c) the boundary of any residential district; (d) a public park adjacent to any residential district; (e) a property line of a lot devoted to residential use; or (f) a boys club, girls club, or similar existing youth organization, except as provided in Article.
- C. No person shall operate or cause to be operated a sexually oriented business within 1,000 feet of another such business, which will include, any adult arcade, adult book store, adult video store, adult cabaret, adult motel, adult motion picture theater, adult theater, massage parlor or any sexual encounter establishment, except as provided in Article.
- D. No person shall cause or permit the operation, establishment, or maintenance of more than one sexually oriented business within the same building, structure, or portion thereof, except as provided in this Article, or cause the substantial enlargement of any sexually oriented business in any building, structure or portion thereof containing another sexually oriented business.
- E. A person appearing in a state of nudity for a modeling or painting class shall not be considered a Sexually Oriented Business if operated by a:
 - 1. Proprietary school, licensed by the State of Indiana; a college; junior college; or university supported entirely or partly by taxation;

2. A private college or university which maintains and operates educational programs in which credits are transferable to a college, junior college, or university supported entirely or partly by taxation; or
3. In a structure in which the following apply:
 - a. Which has no sign visible from the exterior of the structure and no other advertising that indicates a nude person is available for viewing; and
 - b. Where, in order to participate in a class a student must enroll at least three (3) days in advance of the class; and
 - c. Where no more than one nude model is on the premises at any one time.

SECTION – 1425 Regulations Governing Existing Sexually Oriented Businesses

Any sexually oriented businesses lawfully operating prior to the effective date of this ordinance, that is in violation of this Article, shall be deemed a non-conforming use and subject to the requirements in Article 4 of this Ordinance.

ARTICLE 15

WIRELESS TELECOMMUNICATIONS FACILITIES

SECTION 1500 - Purpose and Intent

The purpose and intent of this Article is to regulate the placement, construction, and modification of Wireless Telecommunications Facilities in order to minimize its negative impact on the character and environment of the County and to protect the health, safety and welfare of the public. The provisions of this ordinance will establish a reasonable and efficient process for the review and approval of applications, and assure an integrated and comprehensive review of the environmental impacts of such facilities. The County recognizes that facilitating the development of wireless service technology can be an economic development asset to the County and of significant benefit to both the County and its residents. Therefore, it is not the County's intent to unreasonably interfere with the development of the competitive wireless telecommunications marketplace in Decatur County. Specifically the purposes of these regulations are:

1. To regulate the location of Wireless and Cellular Telecommunications Towers and Facilities within the County;
2. To protect residential areas and land uses from potential adverse impacts of Wireless and Cellular Telecommunications Towers and Facilities;
3. To minimize adverse visual impacts of Wireless and Cellular Telecommunications Towers and Facilities through careful design, placement, landscaping, preservation of natural vegetation and innovative camouflaging techniques and a reduction of the need for new Towers;
4. To promote and encourage shared use and co-location of Wireless and Cellular Telecommunication Facilities as a primary option rather than encouraging the construction of additional single-use towers;
5. To avoid potential damage to adjacent properties caused by Wireless and Cellular Telecommunications Towers and facilities by ensuring such structures are soundly and carefully designed, constructed, screened, modified, maintained, and removed;
6. To the greatest extent feasible, ensure that Wireless and Cellular Telecommunications Towers and Facilities are compatible with surrounding land uses.

SECTION 1502 – Definition

Wireless Communications Facility (**WCF**) is defined as an unstaffed facility for the transmission and/or reception of wireless communication services which generally consist of an antennae array, transmission cable, equipment facilities, and a support structure.

SECTION 1504 – Permitted Uses

1. Permitted uses include:

A. Co-location: The placement of antennae array if located on a legally existing or previously approved WCF, a previously constructed broadcast tower, or an existing communications tower where the engineering specifications of the tower permit the placement of antennae array without an increase in the height of the tower.

B. Attached Wireless Communications Facilities: The placement of antennae array if integrated within another existing structure and no more than 15 feet height increase is required to the existing structure.

C. Replacement of a legal, existing WCF, Support Structure, or Antennae Array with a similar facility of equal or smaller size, subject to the application procedures and general requirements of this Ordinance.

D. Placement of antennae array or WCF as permitted under Zoning District B-3, Decatur County Zoning Ordinance, and as permitted as a Permanent Special Exception when authorized by the Decatur County Board of Zoning Appeals in Zoning District B-2 pursuant to Decatur County Zoning Ordinance.

SECTION 1506 – Exemptions

The following wireless communication facilities are exempt from the provisions of this ordinance: police, fire, ambulance and other emergency dispatch; F.M. and Private Business Band, amateur (ham) radio; antennas used solely for residential household television and radio reception and satellite dishes measuring two meters or less in diameter.

SECTION 1508 – Conditions of Approval

The following conditions apply to all permitted uses:

A. All WCF and Support Structures shall be designed for and constructed in accordance with the provisions for co-location.

B. Applicants agree to make a good faith effort on terms consistent with general industry standards to accommodate requests for co-location that originate from a provider, WCF owner, or from the planning department.

C. Property owners or their agents shall accept and accommodate the provisions for co-location prescribed by this ordinance and shall agree to the renting or leasing of space on a Support Structure or WCF for co-location at a fair market price and without discriminatory terms.

D. Upon completion of the Support Structure or WCF, owners and operators of the Support Structure or WCF agree to make a good faith effort to accommodate co-location (placement of additional antennae arrays) in a timely manner, including the WCF or Antennae Arrays proposed by other service providers.

E. No approval for a WCF or Support Structure shall become valid until authorization or a written statement of no objection has been obtained from all relevant federal, state and local agencies with regulatory authority and submitted to the Decatur County Planning and Zoning Office.

SECTION 1510 – General Requirements

The following requirements apply to all WCF that are erected or placed within the Decatur County jurisdictional area after the effective date of this Ordinance:

A. For each application, the property owners, WCF owners, and wireless communications service providers shall be considered co-applicants and shall be jointly and severally subject to the provisions of this ordinance.

B. Each permit application for placement of a WCF, WCF Support Structure or Antennae Array shall be accompanied by the following:

(1) An Application, Rezoning Application, or Variance Application form with original signatures from the property owners, service providers, and tower owners.

(2) A written statement with illustrations that describe the proposed WCF including the type of construction, tower height, and provisions for co-location.

(3) A listing of all existing and proposed facilities with specifications for all WCF from the center of Decatur County and for a distance of fifteen (15) miles in each direction. Each named facility shall include information on facility capacity for co-location, the height and type of each facility, and the coverage patterns and types of service provided for each existing or proposed facility.

(4) A Site Plan which is comprised of a scaled drawing setting forth property lines, distances, existing site improvements/buildings/structures, existing or proposed roadways and easements, proposed WCF location, and proposed landscaping.

(5) A Visual Impact Analysis that includes current photographs of man-made or natural features adjacent to the WCF and a photographic presentation that depicts current site conditions with a super-imposed image of the proposed facility to demonstrate the anticipated views and the facility upon its completion.

(6) A copy of the Facility Maintenance and Removal Agreement signed by all applicants that binds the applicants and all successors in interest to properly maintain and/or remove the facility upon abandonment in compliance with the terms of this Ordinance.

(7) Decatur County shall not authorize the placement of any WCF or Support Structure unless Decatur County obtains an indemnification from the applicants that release Decatur County from all liability arising out of the construction, operation, removal or

repair of a WCF or antennae array. Parties to the Wireless Communications Agreement agree to not sue or seek any monies or damages from Decatur County; to indemnify and hold harmless Decatur County, its elected/appointed officials, agents, servants and employees from all claims, demands or causes of action along with the resulting losses, expenses, costs, attorney fees, liabilities, damages, orders, judgments and decrees which arise out of or result from a Wireless Communication Facility owner, operator, agent, employee, or servant for negligent acts, error or omissions.

(8) A policy of insurance maintained with a reputable company that insures the WCF or Support Structure with minimum and adequate insurance coverage for liability, bodily injury, and property damage for the entire period the WCF is in existence. Decatur County shall be named as an additional insured on the policy. A certificate of insurance shall be submitted verifying the insurance coverage at the time application is made. Failure to maintain insurance coverage shall be a violation of this Ordinance.

(9) Each application for placement of a WCF or Antennae Array shall be subject to Co-Location Review as set forth in this Ordinance.

C. Each WCF that is approved for construction under this Ordinance shall be required to have the ability to co-locate six (6) or more facilities.

SECTION 1512 – Co-Location Review

Each WCF shall have five (5) of its six (6) facilities filled before a new WCF will be granted upon compliance with the terms of this ordinance and the Decatur County Ordinance on Zoning and Land Use. Relief from Co-location requirements of this Ordinance shall require professional, independent evaluations that establish one of the following:

A. Existing WCF or Support Structures do not fall within location tolerances based upon Radio Frequency Mapping.

B. Proposed sites do not meet minimum height requirements based upon Radio Frequency engineering data.

C. Existing WCF or Support Structures do not meet structural integrity requirements for the proposed antennae array.

D. Placement of the proposed WCF and / or Antennae Array would impair or be impaired by the emission of radio frequencies.

SECTION 1514 – Performance / Construction Standards

A. A perimeter fence at least eight (8) feet in height shall be installed to contain the WCF and all accessory structures and/or facilities.

B. Security lighting is not required. If security lighting is installed, it shall be confined to accessory structures and shall be directed downward to minimize glare or intrusion into adjoining properties. No WCF, Support Structures or Antennae Array that require illumination shall be permitted.

C. Any landscaping that is installed shall be properly maintained or replaced to maintain a presentable appearance for the structure.

D. Off-premise or advertising signage is prohibited. Each WCF or Support Structure shall have identification signage that states the name of the facility owner and a 24-hour emergency telephone number.

E. Attached WCF shall be appropriately integrated with or within existing structures with due consideration given to siting/placement, color, camouflage, size and type of construction. Attached WCF shall be designed to minimize visual impact and Antennae Arrays shall not exceed the height of the existing structure by more than fifteen (15) feet.

F. Noise producing equipment shall be insulated to guarantee no increase in noise to surrounding areas to the WCF. Backup generators, if utilized, shall only be operated during power outages and for testing and maintenance purposes.

G. The towers shall be constructed using stealth construction and shall be self-supporting without utilizing cables for support. In the event an alternate form of construction is more suitable to a proposed WCF location site, the Decatur County Plan Commission may authorize an alternate form of construction upon a showing of sufficient documentation.

H. All WCF, Support Structures, accessory buildings, poles, antennas and other external facilities shall be painted a neutral color or galvanized grey. Paint color shall be designed to minimize visibility and blend with the surrounding environment. All facilities shall be repainted as necessary.

ARTICLE 16

PLANNED UNIT DEVELOPMENT

SECTION 1600 – Intent

The purpose of this Article is to provide for an alternative zoning procedure for innovative developments that provide value to the community over the conventional zoning district and which is consistent with the Decatur County Comprehensive Plan and intent of the zoning ordinance. The Planned Unit Development (PUD) shall provide for unique, innovative and flexible approaches in the design and development of land in return for mixing of land uses and densities. A planned development shall encourage and promote a harmonious and appropriate mixture of uses; facilitate the adequate and economic provision of streets, utilities and public services; and preserve the natural, environmental, and scenic features of the site. In addition, the planned unit development shall encourage and provide a mechanism for arranging improvements on sites so as to preserve desirable features and mitigate site specific problems or conditions. The Planned Unit Development shall provide for and be compatible with surrounding areas and foster the creation of attractive, healthful, efficient, and stable environments for living, shopping, or working within the County.

The Planned Unit Development regulations and procedures may apply to the redevelopment of presently developed lands, the development of open or vacant lands, and parcels of varying sizes. Planned Unit Development regulations are intended to encourage innovations in land development techniques with greater flexibility and variety in type, design and layout of sites and buildings; and the conservation and more efficient use of open spaces and other amenities which generally enhance the quality of life, thus ensuring that the growing demands of the community may be met.

Density, open space, infrastructure, and other land use factors and impacts are significant in reviewing any Planned Unit Development. Where building density is increased on a particular portion of a Planned Unit Development, then the amount of open space, retention of existing vegetation, buffer areas, new landscape, public commons, community open space, and parks shall be evaluated for proportionate increase for the remainder of the Planned Unit Development. A Planned Unit Development may vary the height, use, organization, design, intensity, size or other features of the proposed development

The Planned Unit Development district shall promote, provide, and create:

1. A maximum choice of living environments by allowing a variety of housing and building types and permitting a reduction in lot dimensions, yards, building setbacks, and area requirements in exchange for development that demonstrates excellence in environmental design, the mitigation of land use factors or impacts, and the provision of amenities;
2. A more useful pattern of open space and recreation areas incorporated as part of the project and that is compatible with the immediate vicinity, and that coordinates commercial uses and services in a manner that is consistent and compatible with existing or planned infrastructure;

3. A development pattern, which preserves and utilizes natural topography, geologic features, scenic vistas, trees, and other vegetation, and prevents the disruption of natural drainage patterns;
4. More efficient use and development of land than is generally achieved through conventional regulations resulting in substantial savings through shorter utilities, streets, and other infrastructure;
5. A development pattern which is consistent with the adopted Comprehensive Plan and any other appropriate land use studies;
6. The materials and design of buildings, signs and the site should provide for a unified theme throughout the development and should be of a higher quality than that found within a conventional zoning district.

SECTION 1605 – Conflicting Provisions

Any provisions within this article, which may be in conflict with other provisions of this ordinance, shall be governed by this article because of the special characteristics of planned unit developments. Subjects, which are not addressed within this article, shall be governed by the provisions found elsewhere in this order.

SECTION 1610 - Permitted Uses

An applicant for a Planned Unit Development may propose any type or combination of uses for consideration in their request. However, any use or combination of uses proposed for the district shall not adversely affect adjacent property; the public health, safety, and general welfare; and the provisions of the adopted Comprehensive Plan.

SECTION 1615 – Density

The density for each use proposed within a PUD shall be determined by the conventional zoning which would permit the proposed use. For example, the conventional zoning for a PUD with a shopping center and a mixed use residential would be General Business and Residential. Therefore, the density could not exceed 30 additional percent of the maximum density permitted by the conventional zoning district.

SECTION 1620 - Minimum Size

There is no minimum district size required for a Planned Unit Development.

SECTION 1625 - Planned Unit Development Standards

In addition to the findings for a rezoning found in Article 5, Section 540, the Plan Commission, legislative unit or the Board of County Commissioners should use the following criteria which apply to evaluating the rezoning and proposed Concept Development Plan.

1. *Compatibility of Uses:* Uses within a planned unit development shall be compatible within the development as well as to any adjacent sites. Compatibility of uses may be accomplished through the provisions of buffer zones, common open space areas, landscape features, transitional land uses, or a mixed-use development in which no specific type of land use is dominant. Compatibility/mitigation measures shall exceed the usual minimum standards of this order, when needed, to address impacts of the proposed development.
2. *Open Space:* Useable open space(s) shall be provided in an amount over and above setback areas and open areas required by the underlying zone. These spaces may be provided in the form of parks, plazas, arcades, commons, trails, sports courts or other athletic and recreational areas, outdoor areas for the display of sculptural elements, etc. Land reservations for community facilities may be considered in lieu of useable open space.
3. *Transportation System:* Planned developments shall incorporate transportation elements, which allow for connections to existing developments or undeveloped land both within and outside the planned unit development. These transportation elements should provide for improvements through street connections, road designs, ingress and egress to the existing transportation network depending on the foreseeable needs of future residents and users of the site, and the relationship of the project site to the community at large. Transportation elements shall provide for the creation of a system, if applicable, which encourages multi-modal transportation, to include provisions for mass transit stops or stations, car pooling lots, pedestrian and bicycle paths and lanes, bicycle parking areas, etc.
4. *Preservation of Existing Site Features:* Existing topography, significant tree cover, water courses, and water bodies shall be largely preserved and incorporated into the project design, where appropriate and consistent with the remainder of this article.
5. *Landscaping:* Substantial landscaping shall be provided in a planned unit development with emphasis given to streetscape areas, buffer zones, and the provision of significant landscaping (in terms of size of landscape areas and quantity and quality of landscape materials) within the developed portions of the site. The use of landscape design guidelines is required for multi-phased projects.
6. *Architecture:* A planned development shall incorporate a consistent architectural theme which is unique to the specific site and surrounding community through the use of materials, signage and design. Generic corporate architecture and big box designs are strongly discouraged. The Area Plan Commission shall have the option to require any large corporate architecture or big box design to implement unique and appealing architectural features so as to minimize the visual impact of the structure. Uses should be designed according to the limitation of the site rather than the removal of the limitations. Specific design details such as roof parapets, architectural details, varying roof heights,

roof pitches, materials, and building colors should be addressed. The use of architectural guidelines is required for large multi-phased projects.

7. *Historic and Prehistoric Features:* Historic and prehistoric features on the project site shall be retained, utilized, and incorporated into the overall project design if physically and economically feasible.
8. *Signage:* A consistent signage theme shall be provided within a planned unit development. Building mounted signs shall be the predominant signage on the project site. Freestanding signs shall be monument style and of a limited size and height. The use of signage design guidelines is required for multi-phased projects.
9. *Conformance with Comprehensive Plan:* All planned unit developments shall conform to the provisions of the adopted Comprehensive Plan and take into account the limitations on existing or planned infrastructure.

Concept Development Plan proposals within areas that are subject to a specific land use or corridor study shall be evaluated against the criteria or requirements of such study as well as the criteria in this section.

SECTION 1630 - Pre-Application Meeting

Any applicant or property owner proposing a Planned Unit Development district shall be required to meet with the planning staff of the Plan Commission prior to the submission of the application and Concept Development Plan. The purpose of the meeting will be to informally discuss the purpose and effect of this order, the criteria and standards which may apply, and to familiarize the applicant/owner(s) with the objectives of the Comprehensive Plan, its elements, this order, and this article.

SECTION 1635 – Public Hearing Procedure

Because a PUD is a rezoning, the public hearing and findings of fact shall follow the same procedure as outlined within Article 5, Sections 530-570. The Concept Development Plan shall follow the minimum and optional guidelines as outlined in Article 5, Section 520.

SECTION 1640 – Change of Approved Concept Development Plan

Any change proposed to a previously approved Concept Development Plan shall be considered by the Planning Director to determine if the changes are considered minor or major in scope. Minor amendments that do not involve substantive changes in the development concept, uses, density, supplemental conditions of approval, or do not change the overall concept previously approved shall be handled administratively. Major amendments to an approved Concept Development Plan that involve substantive changes in the development concept, uses, density, supplemental conditions of approval shall require approval as outlined in the public hearing process of this Article.

SECTION 1645 - Subdivision and Site Plan Approvals

After approval of the Concept Development Plan by the legislative unit with jurisdiction, the developer of the property is required to follow the applicable subdivision procedures found within the Decatur County Subdivision Ordinance and site plan review as outlined within this ordinance.

SECTION 1650 – Designation on Zoning Map

Property that is rezoned under the procedures of this article shall be designated on the Official Decatur County Zoning Map as a Planned Unit Development (PUD).

ARTICLE 17

PLOT PLAN REVIEW

SECTION 1700 – Intent

The purpose of this article is to provide plot plan regulations that will enhance the Location Improvement Permitting process under Article 6. Plot plans are required for single-family residential uses, additions, accessory uses, and any other structure that requires a Location Improvement Permit.

SECTION 1705 – Authority

The purpose of Plot Plan Review is to protect the public health, safety and general welfare of Decatur County. The provisions and requirements in this article are written and shall be administered to ensure orderly growth and development of Decatur County. No building shall be erected, expanded or improved, on any lot, site, or parcel for uses where Plot Plan Review is required except in accordance with the regulations in this Zoning Ordinance and with the requirements stated in this article. All such Plot Plans shall be reviewed by the Planning Department and a determination either approving or rejecting such plans shall be made in accordance with the requirements of this article and other applicable, articles of this order.

The Planning Department shall not be permitted to reject any Plot Plan, which is in full conformance with the requirements, terms and conditions of this article and Zoning Ordinance. Nor can additional regulations be imposed which are not included within this order. All approved Plot Plans shall be binding upon the applicant, property owner, developer, or their successors and shall limit the development or project to the construction work as shown on the approved Plot Plan and to all conditions and limitations for such plans agreed to by the applicants. Amendments or changes to the approved Plot Plans shall be subject to the provisions of section 1735.

SECTION 1710 – Procedure

Before submitting an application for Plot Plan Review each applicant, property owner, or developer is encouraged to read the following categories to determine which level your construction proposal matches. If a determination cannot be ascertained, you are encouraged to have a pre-application meeting with the Decatur County Plan Commission staff. Both Minor Plot Plan Review and Major Plot Plan Review are described below.

Minor Plot Plan: A plot plan that requires no exterior utility construction (e.g., storm sewer, water, sanitary sewer, etc.), no additional access points or curb cuts, and no status as a residential living unit. Typically this review pertains to the construction of accessory uses and minor additions.

Major Plot Plan: A plot plan that involves exterior utility construction (e.g., storm sewer, water, sanitary sewer, septic sites, etc.), any parcel within close proximity of flood zones, access points or curb cuts, and buildings constructed as a residential living unit. Furthermore, this review involves any additions to utility construction, access points or curb cuts. Typically this review

pertains to the construction of a single family residence, mobile home, and manufactured home. The Planning Director or Designee will determine the allowable distance from flood zones that are exempt from flood certification.

SECTION 1715 – Application and Approval

An applicant, property owner, or developer is required to file an application with the Decatur County Planning Department. Action in the form of approval or denial of a Minor Plot Plan or Major Plot Plan by the Planning Commission's Staff shall occur within 7 working days of when the plan is officially submitted to the Planning Department's office in complete form. Any incomplete Plot Plan or Application may result in delays.

An appeal of the Staff denial of a Minor / Major Plot Plan is possible before the Board of Zoning Appeals at its next regularly scheduled meeting after written notification is made by the applicant to the Planning Director within thirty (30) calendar days of the Staff denial. The Board of Zoning Appeals shall make final action for approval or denial on the appeal of a Minor / Major Plot Plan. Reasons for denial of a Minor / Major Plot Plan by the Board of Zoning Appeals shall be given to the applicant in written form

SECTION 1720 - Plot Plan Requirements

All Minor Plot Plans submitted to the Decatur County Plan Commission shall be in accordance with this article and shall contain the following information:

1. A complete and accurate application form;
2. Three (3) copies are required. They will be distributed (after approval and stamped by the Planning and Zoning Department) as follows
 - One (1) copy to the Building Department,
 - One (1) copy to the Planning and Zoning Department,
 - One (1) copy to the property owner;
3. In order that all the required plot plan information be properly documented and correctly designed, it is necessary that all minor plot plans be technically drawn to a scale of no less than 1" = 50'. The plans should be submitted on standard paper sizes. In situations where the scaled lot is larger than the preferred paper size, a large scale plot plan with a close up view of the major features is acceptable;
4. A graphic scale shall be noted on the plot plan along with the date and north arrow;
5. A description of the proposed use for the structure;
6. Dimensions of parcel or lot;
7. Location and width of all public and private streets, driveways, and other vehicular circulation areas adjacent to the property;
8. Location of all existing and proposed structures;
9. Approximate location of all existing utilities (e.g., sewer lines, water lines, septic tanks, electric lines, gas lines, and so on);
10. Square footage and height of proposed building or addition;
11. Dimensional tie downs from all four corners of the proposed structure(s) to the appropriate property lines;

All Major Plot Plans submitted to the Decatur County Plan Commission in accordance with this article shall contain the following information (multiple lots may be submitted at one time for subdivisions that have proceeded through the subdivision review process):

1. A complete and accurate application form;
2. Four (4) copies are required. They will be distributed (after approval and stamped by the Planning and Zoning Department) as follows:
 - One (1) copy to the Building Department,
 - Two (2) copies to the Planning and Zoning Department,
 - One (1) copy to the property owner;
3. It is necessary that all major plot plans be drawn to a scale of no less than 1" = 50'. The plans should be submitted on a standard paper size. In situations where the scaled lot is larger than the preferred paper size, a large scale plot plan with a close up view of the major features is acceptable;
4. A graphic scale shall be noted on the plot plan along with the date and north arrow;
5. A description of the proposed use for the structure;
6. Property boundaries of the parcel or lot identified according to surveys or recorded deeds;
7. Location and width of all public and private streets, driveways, and other vehicular circulation areas adjacent to the property and the distance to the nearest intersecting roadway;
8. Recorded easements identified;
9. Location of all existing and proposed structures;
10. Exterior dimensions of structure (including decks or porches and overhang measurements);
12. Positive drainage away from structures must be shown, assumed elevation may be used unless flood elevations are an issue;
13. Elevation of basement and ground floor noted on plan;
14. Dimensional tie downs from all four corners of the proposed structure(s) to the appropriate property lines;
15. Square footage and height of proposed building or addition;
16. Acreage of the lot;
17. Location of structures on adjacent lots, when a different building setback line exists other than the current ordinances;
18. Approximate location of all utilities (e.g., sewer lines, water lines, septic tanks, electric lines, gas lines, telephone lines, laterals, water meters, and so on);
19. Location of the driveway and size of culvert according to the Decatur County Drainage Ordinance;
20. Width of pavement and the Construction material of the road shall be denoted on the drawing;
21. Primary and Secondary On-Site Sewage Disposal System areas identified meeting the applicable setback requirements of the health department;
22. Approximate boundaries of the 100-year flood plain using the Flood Insurance Rate Maps and Floodway Maps for Decatur County. Properties located within the floodplain shall provide written documentation from the Indiana Department of Natural Resources regarding the Flood Protection Grade and location of the

- floodway, as well as all other requirements of the Decatur County Drainage Ordinance;
23. Any variances requested must be submitted with the plot plans and follow the procedures of the Board of Zoning Appeals.
 24. Sight Distance – Documentation from the County Highway Department indicating the approval or disapproval of the proposed entrance(s).
 25. Title Block – Lower right hand corner containing: Township name; Section; Township; Range; Map Number; Parcel Number; Subdivision Name and Lot number, if applicable; and property owner.

SECTION 1725 – Expiration, Extension, and Completion of Approval Period

If the work described in a zoning permit has not been initiated within one (1) year from the date it was issued, the permit shall expire. The permit shall also expire if the described work has not been substantially completed within two (2) years of the date it was issued. If, for any reason, the Zoning Permit expires, all work must be stopped immediately until a new permit has been obtained. The Planning Director or designee may grant an extension on a Zoning Permit, if the applicant can demonstrate a good cause for such an extension, prior to the date of expiration.

SECTION 1735 – Changes or Amendments

Any changes made to the approved Plot Plan before the development of the site or building shall require the approval of the Plan Commission staff. Any variations to an approved Site Plan that occurred in the development of the site or building will require that an “as built” Site Plan be submitted for review to the Planning Department. Depending on the extent of the changes, a new application may be required by the Planning Director or designee. If the “as built” site plan does not conform to the requirements in the Ordinance or if a Certificate of Occupancy is not granted, it will be handled as a violation of the ordinance under Article 6.

ARTICLE 18

ANIMAL WASTE CONTROL

SECTION 1810 – Statement of Purpose

The inappropriate release, discharge, dumping, or spreading of contaminated or stored animal waste can be a serious problem to the health and convenience of the residents of this County and its environment. The appropriate handling of stored or contained animal waste through appropriate land use methods can substantially reduce the adverse effects of contained or stored animal waste and its potential for contaminating the landscape, air, water, and the land of adjoining property owners.

SECTION 1820 – Definitions

Unless specifically defined below, words or phrases used in this ordinance shall be interpreted so as to give them the meaning they have in common usage and to give this ordinance its most reasonable application.

1. Animal Waste – That animal discharge, both solid or liquid or a combination thereof, that is accumulated, stored, or contained in an artificial, landscaped, or manufactured impound to accommodate the high density confinement of animals.
2. Surface Application – The release, discharge, or spreading of animal waste from contained or accumulated storage upon the surface of the soil.
3. Subsurface Application – The release, discharge or spreading of animal waste in a method designed to incorporate the animal waste at least four (4) inches below the surface of the soil. Acceptable methods of subsurface application include the following:
 - a. Direct Subsurface Application – The use of equipment that directly discharges or releases the animal waste at least four (4) inches below the surface of the soil;
 - b. Indirect Subsurface Application – The use of a method or procedure whereby the animal waste is initially released, discharged or spread upon the surface of the soil, but thereafter incorporated into the soil at least four (4) inches below the surface of the soil within twenty-four (24) hours from the initial release, discharge or spreading of the animal waste.

SECTION 1830 – Application Restrictions

All release, discharge, or application of animal waste shall be controlled by the Indiana Department of Environmental Management (IDEM) regulations.

SECTION 1840 – Location Restriction

Any open lagoon or irrigation duct animal waste system shall be located at least one thousand three hundred twenty (1320) feet from all residential dwellings except those of the real estate owner or his tenants upon which the system is being constructed.

SECTION 1850 – Variances

The provisions of this Ordinance shall be subject to variances, temporary permits or special exceptions as defined by the Decatur County Ordinance. The violation of this Ordinance shall be a common nuisance.

SECTION 1860 – Penalty

The penalty for violation of this Ordinance shall not be less than One Hundred Dollars (\$1,000.00); in addition, this Ordinance may be enforced by all other civil remedies as provided by statute or ordinance.

ARTICLE 19

KENNELS

SECTION 1910 – Definition

Kennel shall be defined as any premises or portion thereof on which more than three (3) dogs, cats, or other household domestic animals over One (1) year of age are maintained, boarded, or cared for either for personal use or for remuneration.

SECTION 1920 – Prohibited Districts

Kennels are prohibited in the Residential Districts and the A-1 District.

SECTION 1930 – Permitted Districts

Kennels are permitted as a Permanent Special Exception in the A-2 and B-2 Zoning Districts when approved through the Decatur County Board of Zoning Appeals.

SECTION 1940 – Location

Kennels must be located six hundred sixty (660) feet or more from the nearest dwelling (other than the owner of the kennel) and from any business, church, school, hospital or nursing home. Kennels must be located two hundred fifty (250) feet or more from adjoining property lines.

ARTICLE 20

SIGNS

SECTION 2000 – Intent

The purpose of this article is to coordinate the type, placement and physical dimensions of signs within the different zones and to recognize the commercial communication requirements of all sectors of the business community. Furthermore, this article is intended to protect property values, create a more attractive economic and business climate, and enhance and protect the physical appearance of the community. This article is further intended to reduce sign or advertising distractions and obstructions that may contribute to traffic accidents, reduce hazards that may be caused by signs overhanging or projecting over public rights-of-way, and generally enhance community development.

SECTION 2005 - Government Signs Excluded

For the purpose of this order, "sign" does not include signs erected and maintained pursuant to and in discharge of any federal, state or local law, order, or governmental regulations.

SECTION 2010 - Sign Permits

Sign permits are required for all signs that are located within the jurisdictions covered by this ordinance. An application must be submitted for all proposed signs and must be filed with the Plan Commission. A Sign Permit shall only be issued if the proposed sign meets the requirements of this ordinance. The Sign Permit application shall include, at a minimum, the following information:

1. Name and address of the applicant;
2. Name and address of the owner of the property on which the sign is to be located, and the owners signature that will authorize the use of the land for the purposes of locating a sign;
3. A written description of the proposed sign including type of sign, supporting structure, method of illumination (if any), and construction materials to be used in the sign;
4. A site plan of the property on which the sign is to be erected showing existing structures, right-of-way lines and proposed location of the sign;
5. A drawing of the proposed sign showing display area dimensions, height of sign from grade to bottom and top of the sign and the information to be conveyed on sign.

Upon receipt of a full and complete application for a Sign Permit, the Planning Director or designee shall issue a permit or notify the applicant of any non-conformance with the provisions of this article within ten (10) working days. Failure to issue a permit or notify the applicant of any non-conformance does not constitute approval of the proposed sign. If the sign described in any sign permit has not been erected or installed within one (1) year from the date of issuance, the permit shall expire without further notice. The permit may be extended upon request of the applicant prior the date of expiration for a period not to exceed six (6) months. The Planning Director or designee shall maintain a file of all applications for sign permits.

SECTION 2015 - Signs Not Requiring a Permit

The following signs do not require a permit.

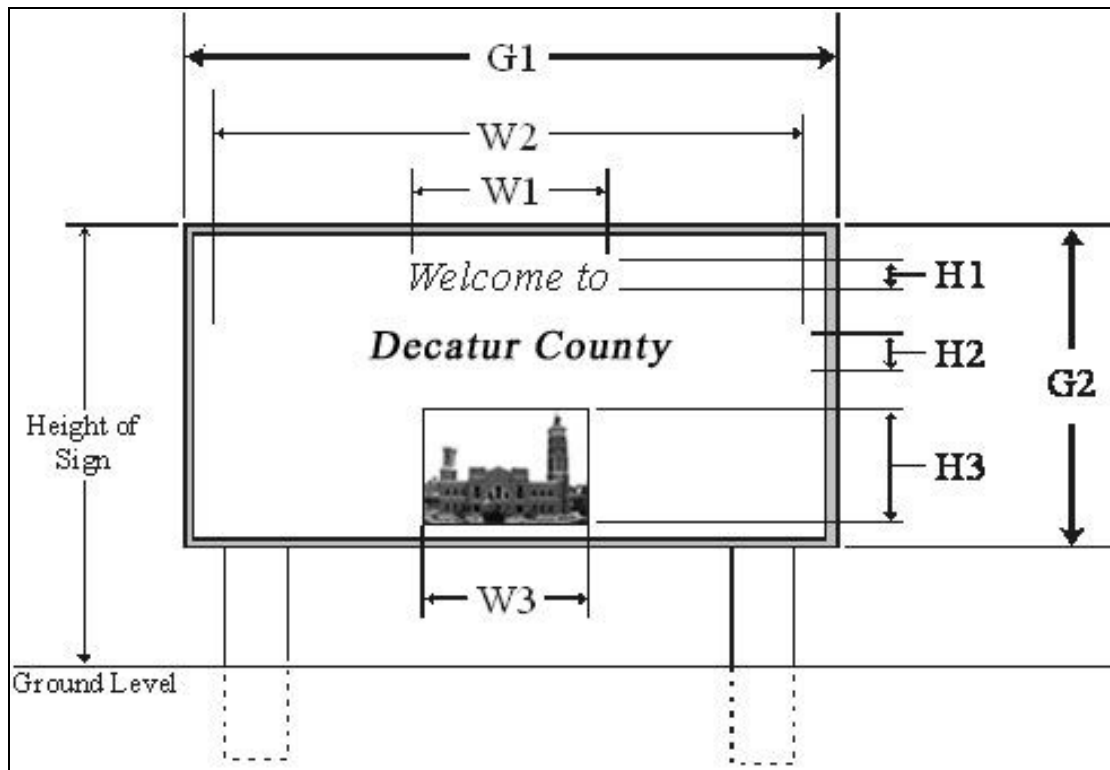
1. One temporary sign not exceeding one hundred (100) square feet in area announcing special public or institutional events; the erection of a building; and the architect, builders or contractors. Said sign may be erected for a period of sixty (60) days plus the construction period. Such temporary signs shall conform to the general requirements defined by Section 2020 of this article, and other standards deemed necessary to accomplish the intent of this article;
2. Temporary political signs placed outside a public street right-of-way. The signs shall be removed within one week after the election;
3. Temporary special event and directional signage for community events is allowed seven (7) days prior to the event and shall be removed one (1) day after the conclusion of the event. These signs shall not be located in the public right-of-way;
4. One (1) real estate sign per road frontage may be posted on the property which it is representing. The sign shall be limited to 16 square feet in Residential districts and 32 square feet in other districts. Regular open house signs shall be permitted one (1) week prior to the scheduled event and shall be removed by the day after the event. A sold sign shall be removed by the seller, or their agent, within one week after the date of closing. If constructed of a non-rigid material (such as a banner) such signs must conform to the requirements of Section 2085 of this Article, including the issuance of a permit.
5. Professional name plates of six (6) square feet or less in area.
6. Signs denoting the name and address of the occupants of the premises of two (2) square feet or less in area.
7. Signs advertising the sale of agricultural goods produced on the premises (such as firewood, vegetables, etc.) of sixteen (16) square feet or less in area.
8. Official flags of cities, county, commonwealth, or any nation bearing no advertising material.

SECTION 2020 - General Requirements for All Signs and Districts

A sign may be erected, placed, established, painted, created, or maintained within the county jurisdictional area only in conformance with the standards, procedures, exemptions, and other requirements of this ordinance. The regulations contained in this section shall apply to all signs and all land use districts.

1. Any illuminated sign or lighting device shall employ only light which emits illumination of constant intensity, and no sign shall be illuminated by or contain flashing, intermittent, rotating, or moving light or lights except signs performing a public service function indicating time, temperature, warning or similar services. In no event shall an illuminated sign or lighting device be placed or directed so as to directly beam upon a public road, highway, street, sidewalk, or other vehicular or pedestrian system or adjacent premises so as to cause glare or reflection that may constitute a traffic hazard or nuisance;
2. No sign shall employ any parts of elements that revolve, rotate, whirl, spin or otherwise make use of motion so as to constitute a traffic hazard or nuisance;
3. No part of a building mounted sign may be placed above the highest part of the roof or parapet for the section of wall on which the sign is mounted;
4. No sign shall be placed in any public right-of-way except publicly owned signs, such as traffic control signs and directional signs;
5. The bottom edge of any free standing pole sign (excluding entrance signs) erected in or above any area used for vehicular movement or parking shall be at least ten (10) feet above the paved level of such area. This height may be increased in a case where tractor-trailer or other large vehicle traffic would require a greater height clearance;
6. Unless otherwise permitted, no sign advertising goods or services shall exceed one (1) story or fifteen (15) feet in height, whichever is lower;
7. No building mounted sign shall project more than eighteen (18) inches from the area of fascia on which they are mounted;
8. All signs must conform to building and electrical code requirements.

Figure 20.1 - Measurement of Sign Area



Measurement of Sign Area	
$G1 \times G2 =$ General Total Surface Area of Sign	$W1 \times H1 = A$ $W2 \times H2 = B$ $W3 \times H3 = C$ $A + B + C =$ Actual Total Surface Area of Sign

SECTION 2025 - Measurement of Sign Area

The surface area of a sign shall be computed by including the entire area serving as written or graphic advertisement within a regular, geometric form comprising all of the display area of the sign and including all of the elements of the matter displayed. Frames and structural members not used for advertising matter shall not be included in computation of surface area. A general calculation of the Total Sign Area may also be used, if the general total surface area of the sign meets the described guidelines. (See **Figure 20.1**) Where a sign has two (2) display faces back to back, the area of only one (1) face shall be considered the sign area, provided the two (2) sign faces are not visible from one location therefore constituting two (2) signs.

SECTION 2030 - General Sign Setback Requirements

A permitted sign must be placed a minimum of ten (10) feet outside the public right-of-way and any public easement so long as the sign will not obstruct traffic visibility at street intersections or within parking lots. In the case where a road may not have a dedicated right-of-way the sign must be placed a minimum of 30 feet from the centerline of the road.

SECTION 2035 - Signs Prohibited in All Districts

The following types of signs are prohibited in all districts:

1. Abandoned signs and support structures;
2. Banners, pennants, posters, ribbons, flags for advertising purposes, streamers, spinners, strings of lights, other similar moving devices or any sign that is temporary in nature due to its design or construction except as provided in Section 2075;
3. Signs imitating, resembling or conflicting with official traffic signs or signals;
4. Signs attached to trees, telephone poles, streetlights, public benches, bus stops, or placed on any public property or public right-of-way;
5. Signs placed on vehicles or trailers, which are parked or located for the primary purpose of supplementing or replacing on-site signage. This does not apply to signs or lettering on vehicles operating during the normal course of business;
6. Portable signs (including portable signs mounted to poles, buildings, or other structures);
7. Signs that advertise a product, or service, that is no longer available on the premises of a business;
8. Any other sign not specifically permitted by this order.

SECTION 2040 - Entrance Signs Requiring a Permit

In Agricultural and Residential zoning districts, including Planned Unit Developments that are intended for residential purposes, entrance signs for residential developments shall be permitted for any residential subdivision that involves the construction of new streets or for any multi-family residential development that contains twenty (20) or more dwelling units. An "entrance sign" is defined as a low-profile monument style sign. Typically, entrance signs utilize masonry walls or similar structures and are placed within landscaped areas such as earthen berms. The sign may not obstruct visibility within vision triangles at curbcuts or intersections (see Article 24; Section 2412).

One (1) entrance sign of up to fifty (50) square feet in area or two (2) entrance signs of up to twenty five (25) square feet each shall be permitted for each entrance into the residential development from an arterial or collector street. Information conveyed on such signs shall be limited to the name of the development and the name of the owner, builder, or developer of the project. Entrance signs shall conform to the general requirements listed in Section 2020 and 2030.

SECTION 2045 - Directional Signs Requiring a Permit

One (1) directional sign shall be permitted near each entrance of a business or manufacturing zoned property with a maximum sign area of six (6) square feet. Advertising on such a sign shall include the words “enter”, “exit” or arrows and the name of an office complex or subdivision, business establishment, or shopping center. Signs directing and guiding traffic and parking on private property, such as drive-thru lanes, but bearing no advertising matter shall be permitted on any property. Such directional signs shall not exceed ten (10) square feet in area and five (5) feet in height.

SECTION 2050 - Agricultural Districts & Residential Districts

The following types of signs are permitted in Agricultural and Residential Districts and require a permit:

1. One monument style sign customarily incidental to places of worship, schools, civic associations, libraries, museums, social clubs, or societies, shall not exceed thirty-two (32) square feet in area and shall be located on the premises of such institution. Uses which have 300 feet or greater of road frontage where the sign is to be located may increase the size of the sign to fifty (50) square feet.
2. Uses permitted with the exception of home occupations, which are principally permitted or which are permitted as a conditional use that commonly require signage, shall be permitted one sign as described above.

SECTION 2055 - Business Districts

The following types of signs are permitted, with a permit, in all Business Districts:

1. Building Mounted Signs

An establishment shall be permitted building mounted signage for a maximum of three (3) building elevations. The primary building elevation shall be permitted two (2) square feet of sign area per lineal foot of building width for the elevation upon which it is mounted, or in multi-tenant buildings, the width of the portion of the building frontage occupied by an individual establishment. Any additional elevations shall be permitted one (1) square foot of sign area per lineal foot of width for the same elevation on which it is mounted. The square footage allotted for any one side may be divided up to allow for up to three (3) separate building mounted signs on that elevation.

2. Canopy Signs

Canopy mounted signage is permitted on three (3) or less elevations of the canopy. The square footage allowed for canopy signs may not exceed 25% of the area of the fascia on which they are mounted. The signs may not extend above or below the fascia of the canopy.

3. Free-Standing/Monument Signs

- a. Individual business establishments not located within a shopping center, mixed use business establishments or a planned unit development shall be permitted only one (1) on premise monument sign regardless of the number of road frontages. The permitted sign shall be no more than one (1) square foot of sign area per lineal foot of the lot width at the point of the sign's location for General Business (B-2) District. No monument sign shall exceed two hundred (200) square feet in total area or forty (40) feet in height. (See Chart Below)
- b. B-1 Business Districts shall be permitted one-half ($\frac{1}{2}$) square foot of sign area per one (1) lineal foot of lot width at the point of the sign's location and shall not be greater than ten (10) feet in height. No monument sign shall exceed one hundred (100) square feet in total area.
- c. Shopping centers, mixed use business establishments, and planned unit developments shall be permitted one (1) on-premise monument sign for the purpose of identifying the name of the development, its major tenants, and its major access point. The permitted sign shall be no more than one (1) square foot of sign area per lineal foot of the planned unit development's width at the point of the sign's location. No monument sign shall exceed two hundred fifty (250) square feet in area and shall list the name of the development and the major tenants. Individual stand alone establishments, such as out-lots located within the shopping center, mixed use establishments or planned developments shall be permitted only one monument sign, a maximum of thirty (30) square feet in size and eight (8) feet in height.
- d. The maximum height of a monument sign, except as stated in Section 2060 shall be proportional to the width of the lot at the point where the sign is to be located and determined by the chart below. The height of the sign will be measured from the top of the sign structure to the finished ground elevation. Berms and mounds cannot be used to increase the height of the sign.

WIDTH OF LOT	MAXIMUM SIGN HEIGHT
100 feet or less	10 feet in height
101 to 300 feet	20 feet in height
301 to 500 feet	30 feet in height
501 feet or more	40 feet in height

- e. Up to 50% of any permitted monument sign may be used for a manually changeable copy sign to display messages relating to the occupants of the development.
- f. If a monument sign is not possible or desirable as permitted above, then each building shall be permitted one (1) projecting sign. This sign shall not project more than four (4) feet from the face of the building and the bottom of the sign shall be at least ten (10) feet above grade. The surface area of the sign shall not exceed one-half ($\frac{1}{2}$) square foot for each lineal foot of building width and the maximum area for any projecting sign shall not exceed thirty-two (32) square feet.

SECTION 2060 – Industrial Districts

The following types of signs are permitted in all Industrial Districts and require a permit:

1. Free-Standing/Monument Signs

- a. Individual manufacturing establishments that are not located within a planned unit development shall be permitted one (1) monument sign that is located at the entrance of the establishment it is representing. The permitted sign shall be no more than one (1) square foot of sign area per lineal foot of the lot's width at the point of the sign's location. No monument sign shall exceed one hundred (100) square feet in area, and ten (10) feet in height.
- b. Manufacturing establishments that are located within a planned unit development shall be permitted one (1) monument sign for each entrance. The permitted sign shall be no more than one (1) square foot of sign area per lineal foot of the lot's width at the point of the sign's location. No monument sign shall exceed one hundred (100) square feet in area, and ten (10) feet in height. Each planned unit development shall not be permitted more than two (2) signs, regardless of the number of entrances.
- c. Up to 50% of any permitted freestanding sign may be used for a manually changeable copy sign to display messages relating to the occupants of the development.
- d. If a monument sign is not possible or desirable as permitted above, then each building shall be permitted one (1) projecting sign. This sign shall not project more than four (4) feet from the face of the building and the bottom of the sign shall be at least ten (10) feet above grade. The surface area of the sign shall not exceed one-half (1/2) square foot for each lineal foot of building width and the maximum area for any projecting sign shall not exceed thirty-two (32) square feet.

SECTION 2065 - Planned Unit Developments

Signage for Planned Unit Developments, as identified in Article 16, shall be included as part of the Concept Development Plan proposed for the site. If the number, design, size, and height of all signs for the Planned Unit Development are not included as part of the Concept Development Plan, then the signage requirements of this Article shall apply.

SECTION 2070 – Off-Premises Signs

The Board of Zoning Appeals may permit an off-premise sign as a conditional use in a B-3, I-1, and I-2 zoning districts. Off-premises signs shall conform to Article 3, Section 315 of this ordinance and the following minimum regulations and requirements:

1. The application for conditional use permit shall be accompanied by the following information:
 - a. All of the information required by Section 2010 of this article;
 - b. Identification of all interstate highways or other thoroughfares from which the sign will be visible;
 - c. Number of the nearest milepost on the interstate highway from which the sign will be visible, or distance and direction from the nearest intersection on another

thoroughfare;

- d. The location of the proposed sign on a U.S. Geological Survey 1 :24,000 scale topographic map and the location of all existing local information signs within one-half mile radius of the proposed location;
 - e. A photograph, not less than eight (8) inches by ten (10) inches in size, of the proposed location of the sign taken from each thoroughfare from which the sign will be visible. The proposed location of the sign shall be clearly marked to scale on each photograph.
2. An off-premises sign, as a conditional use, shall conform, at minimum, to the following requirements:
- a. No sign shall be larger than nine hundred (900) square feet and no linear dimension shall exceed ninety (90) feet;
 - b. The maximum height of any sign shall not exceed fifty (50) feet above grade level of the roadway to the bottom of the sign face, as measured from the centerline of the roadway to which the sign is oriented;
 - c. All signs shall be located at least six hundred and sixty (660) feet from the right-of-way lines of any interstate highways and at least one hundred (100) feet from the right of way lines of any other thoroughfares;
 - d. Off-premises signs shall not be permitted at intervals of less than one thousand five hundred (1500) feet, measured along the centerline of each interstate highway or thoroughfare from which the sign will be visible, between lines through the center of the signs and perpendicular or radial to said centerline.
 - e. Off premises signs shall be regularly maintained in good and safe structural condition.

SECTION 2075 - Temporary Advertising Permits

Temporary devices utilized for advertising or attracting attention to a permitted use in Business Districts, when not part of a sign, shall be permitted only under the following rules and procedures:

1. A Temporary Advertising Permit shall be obtained prior to the placement of any combination of outdoor banners, posters, pennants, flags, ribbons, streamers, spinners, or other similar moving devices, as well as strings of lights or spot lights. The procedure for obtaining a Temporary Advertising Permit shall be the same as the procedure for obtaining a Sign Permit as outlined in Section 2010, except that all Temporary Advertising Permits must contain the dates that the display will be utilized.
2. Any Temporary Advertising Display shall meet all safety and setback requirements, and performance standards of these regulations.
3. A Temporary Advertising Permit shall allow the use of temporary advertising devices for any establishment for a maximum of 14 days. Any establishment shall be allowed up to five (5) Temporary Advertising Permits in any one calendar year.

4. The fee for Temporary Advertising Permits shall be as set by the Plan Commission in its Schedule of Fees. The Plan Commission shall have the authority to charge a higher fee for displays that are installed or used before the issuance of a permit. This higher fee must be directly related to any increased administrative costs associated with the permit's issuance.
5. Temporary Advertising Displays shall not be permitted in any public right-of-way and shall not be attached to any public structure including but not limited to telephone poles, fire hydrants, and street signs.

SECTION 2080 - Electronically Changeable Message Boards

The Board of Zoning Appeals may permit an electronically changeable message board as a Conditional Use in all business districts. Such message signs must conform to Article 3, Sections 315 of this ordinance, and shall also be subject to the following minimum standards and requirements:

1. The application for conditional use permit shall be accompanied by the following information:
 - a. All of the information required by Section 2010 of this article;
 - b. Identification of all interstate highways or other thoroughfares from which the sign will be visible;
 - c. Number of the nearest milepost on the interstate highway from which the sign will be visible, or distance and direction from the nearest intersection on another thoroughfare;
 - d. The location of the proposed sign on a U.S. Geological Survey, 1:24,000 scale topographic map and the location of all existing electronically changeable message boards on all streets within one-half mile of the proposed location;
 - e. A photograph not less than eight (8) inches by ten (10) inches in size, taken of the proposed location of the sign from each thoroughfare from which the sign will be visible. The proposed location of the sign shall be clearly marked to scale on each photograph.
2. An electronically changeable message board that is permitted as a conditional use, shall conform, at minimum to the following requirements:
 - a. Such message boards will be considered as a part of the permitted freestanding or building mounted signage. Up to 50% of the permitted sign area can be used for an electronically changeable message board.
 - b. Electronically changeable message boards shall not be permitted at intervals of less than six-hundred sixty (660) feet, measured along the centerline of each interstate or thoroughfare from which the sign will be visible. The distance will be measured from lines through the center of the signs and perpendicular or radial to the centerline.
 - c. Apparent motion of the visual message, caused by, but not limited to, the illusion of moving objects, moving patterns or boards of light, expanding contracting, or rotating

shapes or other similar animation effects, shall be prohibited. Such restriction applies to "scrolling" or "running" messages.

- d. The message displayed on the board must be displayed for a minimum of five (5) second intervals. In no instance can a message, or part thereof, flash on the message board.

SECTION 2085 – Violations

Any sign installed, erected, constructed, or maintained in violation of any of the terms of this ordinance, shall be deemed a violation and shall be punishable under Article 6 of this ordinance.

ARTICLE 21

OFF-STREET PARKING AND LOADING

SECTION 2100 – Intent

The purpose of this article is to define minimum requirements to establish, and maintain, a traffic circulation pattern that promotes the safety and welfare of the public. This article recognizes the off-street parking and loading needs of individuals and businesses within the different zones, and provides standards to prevent traffic congestion, improve safety, and enhance community development.

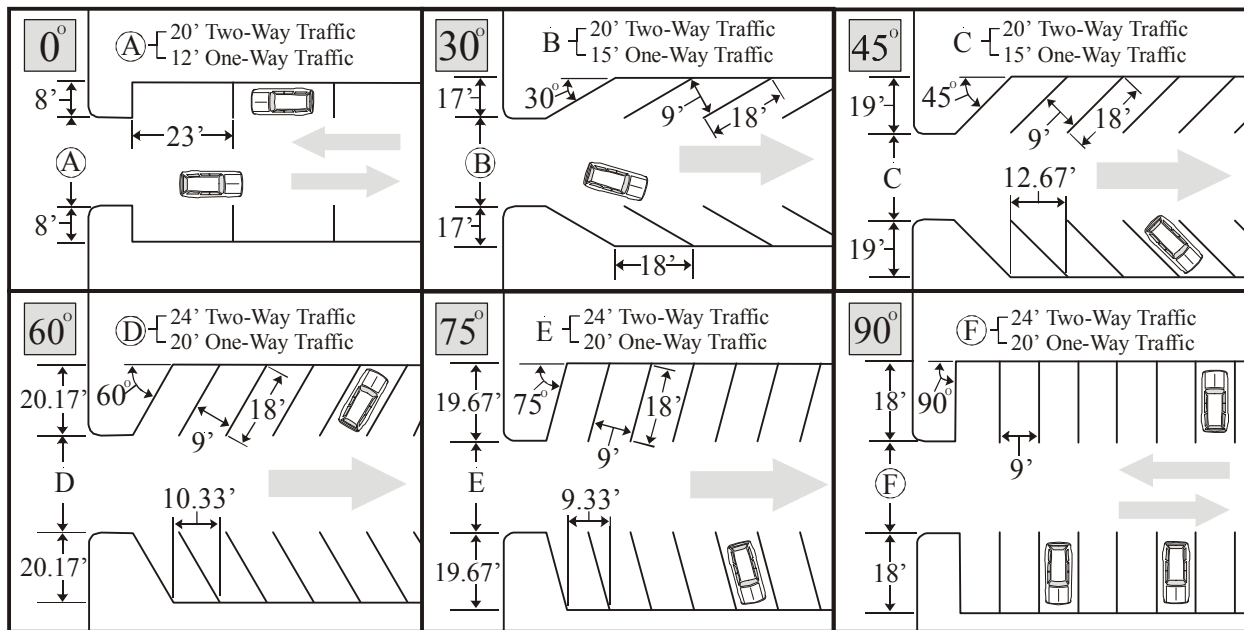
SECTION 2105 - General Requirements

1. No building or structure shall be erected, substantially altered, or its use changed unless permanently maintained off-street parking and loading spaces have been provided in accordance with the provisions of this order;
2. The provisions of this Article, except where there is a change of use, shall not apply to any existing building or structure. Where there is a change of use, the number of spaces that are required by this ordinance shall be provided;
3. Whenever a building or structure is constructed after the effective date of this ordinance, and a change is proposed in regards to an increase in the floor area, number of employees, number of dwelling units, seating capacity, or otherwise to create a need for an increase in the number of existing parking spaces, additional parking spaces shall be provided on the basis of the enlargement or change. Whenever a building or structure existing prior to the effective date of this ordinance is enlarged to the extent of fifty (50) percent or more in floor area, number of employees, number of housing units, seating capacity or otherwise enlarged, the said building or structure shall then comply with the full parking requirements defined by this ordinance.

SECTION 2110 - Parking Space Dimensions

The appropriate layout and dimensions for parking spaces are dependent upon the angle at which the spaces are designed. Reductions in the parking space dimensions can be made by the Planning Director if cause can be shown. The angle is measured from a line that is parallel to the aisle, or driveway, which is used to access the parking space. These requirements are specifically described in *Figure 21.1*

Figure 21.1 - Parking Space Dimensions



SECTION 2115 - Loading Space Requirement and Dimensions

A loading space shall have minimum dimensions of ten (10) feet in width, fifty (50) feet in length, exclusive of driveways, aisles, and other circulation areas, and a clearance height of not less than fifteen (15) feet. One off-street loading space shall be provided and maintained on the same lot for every building designed to house uses which require delivery/transport of goods and having a gross floor area of up to five thousand (5,000) square feet. One loading space shall be provided for each additional ten thousand (10,000) square feet of floor area that is designed for such uses. The Planning Director shall have the authority to reduce or waive the number of required loading spaces based on the special circumstances of a particular use or site, and to place whatever conditions on such an exemption as appropriate.

SECTION 2120 - Striping and Signage

All parking areas shall be striped to facilitate the appropriate traffic circulation, which includes the movement into and out of parking stalls, in addition to the delineation of access isles and permitted turning movements. All striping will be with lines that are a minimum of four (4) inches in width. The entrances and exits to the parking area shall be clearly marked. Signage and striping shall be adequately maintained to insure safe and efficient movement of vehicles.

SECTION 2125 – Handicap Parking Requirements

In business districts, or planned unit developments that are intended for business use, or multi-family housing units, parking spaces for disabled people shall be provided as indicated on the following table:

Total Number of Parking Spaces	Number of Required Spaces for the Disabled
1 to 25	1 space
26 to 50	2 spaces
51 to 75	3 spaces
76 to 100	4 spaces
101 to 150	5 spaces
151 to 200	6 spaces
201 to 300	7 spaces
301 to 400	8 spaces
401 to 500	9 spaces
501 or over	2% of total

1. Parking spaces for disabled people shall use the same dimension requirements as specified in **Figure 21.1**. In addition, each parking space for disabled people shall have an adjacent access aisle on each side of the parking space, at a minimum of five (5) feet wide. Two handicapped parking spaces may share a common access aisle. (See **Figure 21.2**)
2. Access aisles for handicapped parking spaces shall be part of an accessible route to the building or facility that the parking space serves. An acceptable designed curb ramp shall be provided. Access aisles and accessible routes shall be protected in such a manner that no part of any vehicle or any structure shall be allowed to interfere with access or use of the aisle or route in any way.
3. The location of parking spaces should be as close as possible to the principal handicapped accessible entrance(s). In a multi-building development or shopping center, the spaces should be dispersed to ensure easy access and minimize the travel distance for the handicapped.
4. Parking spaces for the disabled shall be designated as reserved for the disabled by a pavement marking and a sign showing the international symbol of accessibility. Such signs shall be above grade. (See **Figure 21.3** for acceptable signage).

Figure 21.2 - Handicapped Parking Spaces

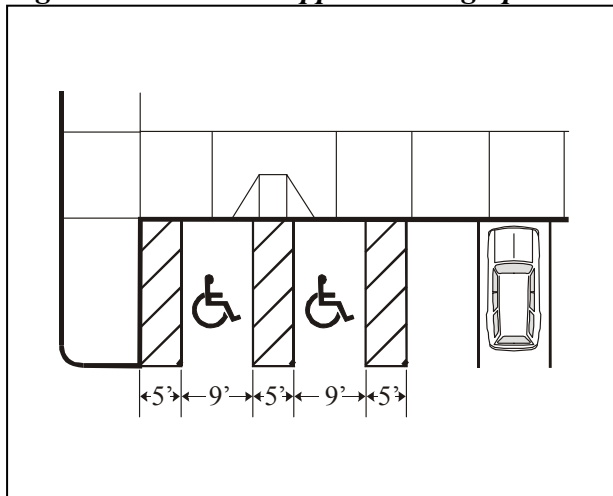
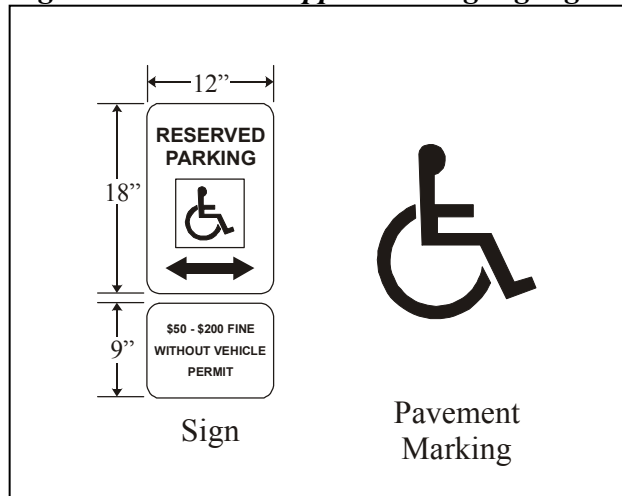


Figure 21.3 - Handicapped Parking Signage



SECTION 2130 - Paving

All parking and loading spaces required by this ordinance, including driveways, aisles, and circulation areas shall be improved with either asphalt concrete or equivalent material to provide a durable and dust-free surface. Driveways and parking areas serving single-family residences shall be exempt from this requirement; however, an acceptable driveway and parking area must be maintained for easy access to the residence. The Planning Director, upon written request by the applicant, shall determine exceptions to these requirements.

SECTION 2135 - Drainage

All parking and loading areas shall provide for proper and approved drainage of surface water as defined by the Decatur County Drainage Control Ordinance.

SECTION 2140 - Lighting

Any parking area intended to be used during non-daylight hours shall be properly illuminated to avoid accidents and provide security. During the site plan review process, the Planning Director has the authority to require plans to specify units of illumination measured in foot-candles and illumination patterns when lighting is an integral part of a development's use. The Planning Director also has the authority to require a specific amount of lighting, based on the table illustrated below. Any lights used to illuminate any outdoor area shall be arranged to prevent direct illumination, reflection, and glare on any adjoining property or on any public street.

General Application		Average Foot-candles
<i>Building Exterior – Site Areas Adjacent to:</i>		
	Active Entrances (<i>pedestrian and vehicle</i>)	5.0
	Inactive Entrances (<i>normally locked</i>)	1.0
	Vital Locations or Structures	5.0
	Building Surroundings	1.0
<i>Floodlighted Signs</i>		
	Bright Surroundings and Light Surfaces	50
	Bright Surroundings and Dark Surfaces	100
	Dark Surroundings and Light Surfaces	20
	Dark Surroundings and Dark Surfaces	50
<i>Parking Areas</i>		
	High Activity	3.6
	Medium Activity	2.4
	Low Activity	0.8
<i>Roadways – Non-Dedicated and Private</i>		
	High Activity	2.0
	Medium Activity	1.0
	Low Activity	0.5

SECTION 2145 - Location of Parking Spaces

The following regulations shall govern the location of off-street parking spaces and areas.

1. Parking spaces for all single-family residential uses shall be located on the same lot as the use that they are required to service, and may not be in any public right-of-way;
2. Parking spaces for all multi-family residential uses shall be located not more than three hundred (300) feet from the principal use and may not be in any public right-of-way;
3. Off-premises parking spaces for recreation, commercial, employment, or infrastructure uses shall be located not more than seven hundred (700) feet from the principal use;

SECTION 2150 - Screening and Landscaping

Screening and landscaping of parking areas shall be in conformance with this ordinance.

SECTION 2155 - Disabled Vehicles

The parking of a disabled vehicle within a parking or loading area that is not capable of moving under its own power for a period of more than three (3) days shall be prohibited, unless such vehicle is stored in an enclosed garage or other accessory building. This does not apply to auto repair businesses with an approved Site Plan for outside storage. (See Section 2578)

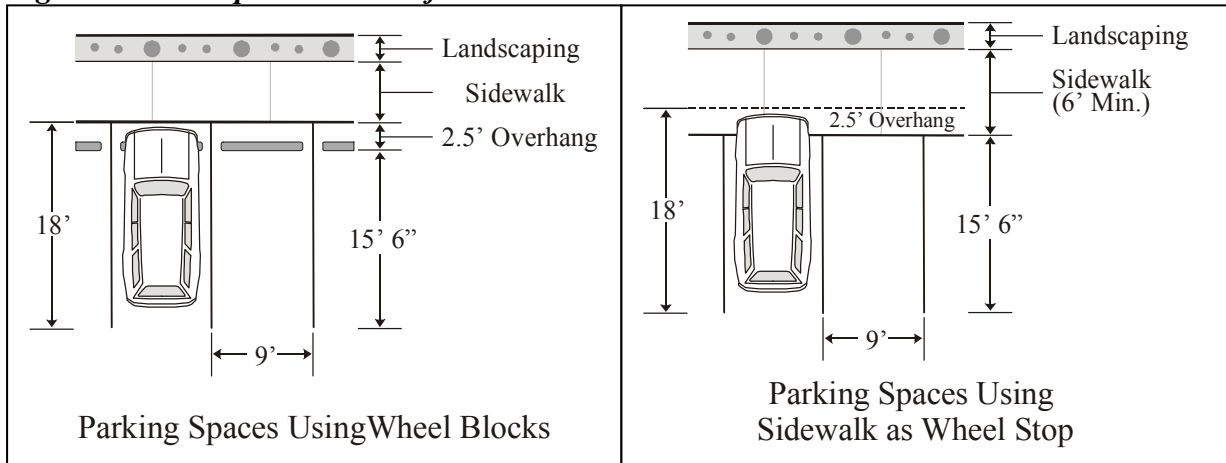
SECTION 2160 - Joint Use

Two or more non-residential uses may jointly provide and use parking spaces when their hours of operation do not normally overlap. All applicants that are requesting the joint use of required parking areas shall submit a written agreement between the involved property owners and a parking study which shall be approved, or denied by the Planning Director.

SECTION 2165 – Curbs and Wheel Blocks

Curbs, wheel blocks or other suitable devices must be provided to prevent vehicles from extending beyond a property line, pedestrian walkway, or drainage area. A minimum of 2.5 feet shall be provided for the overhang of a vehicle. When a sidewalk is used as the wheel stop and overhang for a parking stall, the width of the sidewalk shall be no less than 6 feet (See *Figure 21.4*).

Figure 21.4 - Proper Location of Curbs and Wheel Blocks



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SECTION 2170 – Access Points

Parking and loading areas shall be designed in such a manner that any vehicle using an access point from a public or private street shall be traveling in a forward motion, except for single family and duplex dwellings. Access points shall provide a reasonable distance for any approaching pedestrian or motorist to identify vehicles entering or exiting the parking and loading area. All access points shall be designed with adequate stacking distance to prevent traffic from backing onto public roadways. Where possible and appropriate, parking areas shall be connected to reduce the number of local trips onto public streets. Parking and loading areas shall not be permitted to use a public right-of-way for the purpose of maneuvering a vehicle into the designated space. Exceptions to the loading requirements can be made when the business is located on a dead-end street or the business has infrequent deliveries or the lot is too small to practically locate a loading facility.

SECTION 2175 - Internal Driveways

Driveways that are located within a designated parking area shall maintain the following standards. No parking shall be allowed along internal driveways. Driveways must be clearly divided from parking areas with directional signs or markings in each driveway. Internal driveways with a one-way traffic flow shall maintain a minimum width of fourteen (14) feet; and an internal driveway with a two-way traffic flow shall maintain a minimum width of twenty (20) feet.

SECTION 2180 – Traffic Control and Circulation Plan

All parking lots shall be required to provide a plan that indicates the location of all traffic control devices such as stop signs, traffic lines, and stop bars, as well as the internal circulation patterns of traffic within the parking lot. Areas of the parking lot that have multiple turning areas shall be

designed to form intersections, when practical, with appropriate control measures. Concentrated traffic flow areas shall be designed to channel traffic to designated control points through landscaped islands and curbs. All drive-thru facilities shall have adequate internal stacking area and shall not be permitted to disrupt traffic flow within the parking lot or outside of the site. Any traffic control measures shall be the responsibility of the land owner to maintain in proper working order.

SECTION 2185 - Required Parking Spaces

Parking space requirements described in this section of the ordinance shall apply to the described uses. (gfa” shall refer to gross floor area)

1. Residential

Detached Single-family and Duplex Dwelling types	2 spaces per unit
Townhouse and Multi-family Dwelling types: Efficiency and One Bedroom Units	1.5 spaces per unit
Townhouse and Multi-family Dwelling types: Two or more bedroom units	2 spaces per unit
Mobile Home Park	2 spaces per mobile home unit

2. Commercial

Individual retail stores	1 space per 200 gfa
Multi-business centers	5 spaces per 1,000 gfa up to 30,000 sf, and 3 spaces per 1,000 gfa thereafter
Banks, Financial Institutions and similar uses	1 space per 250 gfa
Other type of businesses or commercial outlets	1 space per 300 gfa

3. Industrial

Light and Heavy Industrial Uses, Transportation, Warehouse and other uses involving the wholesale distribution, storage, manufacturing and assembly of products	1 space per 2 employees on the largest shift for which the building is designed, plus 1 space for each vehicle used in the operation, plus any additional parking required by this article.
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4. Recreational

Libraries, Museums, and Art Craft Galleries and other cultural exhibits	1 space per 400 gfa
Amphitheaters, Motion Picture Theaters, Playhouses, and other entertainment assemblies	1 space per 4 seats
Stadiums, Arenas, Field Houses and other sports assemblies	1 space per 4 seats
Auditoriums, Exhibit Halls, and other public or miscellaneous assembly	1 space per 4 seats
Ice and Roller Skating Rinks	1 space per 100 sf of floor area used for the activity
Bowling Alleys	4 spaces per bowling lane plus 1 space per 4 seats; or 1 space per 30 sf of floor area used for restaurant, cocktail lounge or similar use
Swimming Pools	1 space per 5 person capacity plus 1 space per 4 seats; or 1 space per 30 sf of floor area used for seating purposes, whichever is greater

5. Public Facilities

Churches and other places of religious assembly	1 space per 5 seats
Hospitals	1 space per bed
Sanitariums, Homes for the aged, Nursing Homes, and similar uses	1 space per 2 beds
Post Offices	1 parking space for each 2 employees plus 1 space for each 200 gfa over 2000 gfa
Public offices or buildings	1 space per 400 gfa
Police, Fire, Utility and other service uses	1 space per 2 employees on the largest shift for which the building is used plus 1 space for each motor vehicle maintained on the premises
Elementary and Junior High Schools	2 spaces per classroom plus 1 space per 8 seats in auditorium or assembly halls
High Schools	1 space per 5 seats in assembly hall of greatest capacity on the school grounds; or 1 space per 9 students, whichever is greater

Colleges, Junior Colleges and Universities	1 space per 4 students
Fraternities, Sororities, dormitories in conjunction with Colleges, Junior Colleges and Universities	1 space per 3 active members or dormitory residents, plus 1 space for the manager
Schools of trade, business or other similar uses	1 space per 2 students

6. Miscellaneous Uses

Eating and Drinking Establishments	1 space for every 2 seats
Funeral Parlors, Mortuaries	1 space per 100 gfa in parlors or service rooms
Gasoline Service Stations	1 space per 2 gasoline pumps plus 2 spaces per service bay (access and circulation areas where a motor vehicle would be temporarily parked for the purpose of obtaining fuel from a gasoline pump shall not be considered acceptable parking spaces)

SECTION 2190 - General Interpretations

In the interpretation of this Article, the following rules shall govern:

1. Parking spaces for other permitted or conditional uses not listed in this article shall be determined by the Planning Director.
2. When determining the number of parking spaces required by this article, all fractional numbers shall be increased to the next whole number.
3. If there is an adequate public transit system, or where parking demand is unusually low, the parking space requirements cited within this article may be reduced proportionately by the Planning Director.
4. In areas where the parking of large trucks, vans, or tractor-trailers is planned or reasonably expected, an on-site parking area of sufficient size shall be required to accommodate the parking of such vehicles. These parking areas shall be clearly designated and marked, and shall be exclusive of driveways, aisles, and other circulation areas. The provision of parking areas for such vehicles shall under no circumstances cause a reduction in the minimum required number of automobile parking spaces.

ARTICLE 22

LANDSCAPING, BUFFERING, SCREENING & FENCES

SECTION 2200 – Intent

The purpose of this article is to provide landscaping regulations that will enhance the environment and visual character as development occurs within the county limits. The preservation of existing trees and vegetation, and the planting of new trees and vegetation will protect public and private investments, and promote high-quality development. Areas of transition will be created between land uses, in order to minimize adverse visual impacts, noise, light and air pollution. Landscaping will be required to provide separation between parking areas and buildings, which will define pedestrian and vehicular circulation areas and diminish the visual impact of continuous building facades. Therefore, this article requires landscaping to be planted between uses, around buildings, within and around parking lots and along street frontages in order to:

1. Encourage the preservation of existing trees and vegetation and replenish vegetation that is removed;
2. Facilitate the creation of attractive and harmonious communities with the intent to enhance property values;
3. Improve the visual quality of the county by minimizing the negative impacts of development;
4. Reduce environmental impacts, such as, noise, air, and light pollution; reduce storm water runoff and soil erosion; improve water quality; protect wildlife habitat; and reduce heat convection from impervious surfaces;
5. Minimize conflicts between land uses, reduce visual impacts to adjoining properties and public rights-of-way, create a transition between dissimilar land uses, promote and preserve the character and value of an area, and provide a sense of privacy;
6. Establish standards for the location, spacing, quantity, type, size, protection, planting and maintenance of landscape materials in order to accomplish the objectives listed above.

SECTION 2205 – Required Landscape Review

All developments that are subject to Site Plan Review as defined by Article 23 of this ordinance must demonstrate that the requirements of this article will be achieved. No new site development, building or structure shall be constructed, or vehicular use area created or used, unless landscaping is provided as required by this article. Any improvements to an existing development, which includes building additions, vehicular use area expansions, and loading area expansions, shall be required to bring only the new improvements into compliance with this article. Single-family residences and duplexes are not subject to the landscaping requirements of this ordinance.

SECTION 2210 - General Requirements

1. A Landscaping Plan will be required as part of the Site Plan Review process. The information required on this site plan is listed in Article 23, Section 2320, Item 12.
2. The owner of the property is responsible for the maintenance and watering of all landscaping materials, and shall keep all plants in a proper, neat, and orderly appearance, free from weeds or tall grass, refuse and debris at all times. All unhealthy or dead plant material shall be replaced by the next planting season, or within one year, whichever comes first.
3. All plant material must be installed, according to the approved landscaping plan, no later than the next planting season or within 6 months from the date that a building occupancy permit is issued, season permitting. If no occupancy permit is required, all plant material must be installed by the next planting season from the date of approval for the landscaping/site plan.
4. All plant material selected should be able to tolerate their specific planting environment and be easily maintained. Also, all landscaping shall be designed and installed to permit access to any area where repairs, renovations or regular maintenance to site buildings, utilities, etc. are expected.
5. All trees from Plant Type D (See Section 2230) shall be a minimum of six (6) feet (not to include the root ball) in overall height at the time of planting. In addition, all trees from Plant Type A and B shall be a minimum of 2 inches in caliper size (at dbh) and all shrubs from Plant Type E shall be a minimum 24 inches B&B or 3 gallon size at planting.
6. In addition to the designated width of all landscaping strips and the types of plants that are required, some type of ground cover shall be incorporated in the design, which may include any combination of grass, low ground cover, shrubs, flowers, or mulch. Hard surfaces, or gravel, shall not be permitted for use as ground cover.
7. All bufferyards, landscaping strips, and planted areas that adjoin a street; and all vehicular use areas, shall install a minimum six (6) inch high curb along the landscaping strip to protect the planted area from vehicular traffic. If it is determined by the Planning Director or designee that damage from vehicles will not occur, curbing will not be necessary.
8. The Planning Director may require additional landscaping, beyond the requirements of this Article if the developing use will create visual and aesthetic impacts, noise or light impacts, or other negative impacts that will not be reduced by the requirements of this Article.
9. All landscaping shall be located a minimum of 25 feet from the centerline of a public road if the right-of-way is less than fifty (50) feet total or 25 feet half right-of-way. Unless otherwise permitted within this Article or Ordinance the landscaping shall not be permitted within a right-of-way or easement.

SECTION 2215 - Waiver of Requirements

The Planning Director shall have the authority to grant a waiver of any of the requirements in this article upon receipt of a written request that explains the reasoning for the waiver. The Planning Director shall review each written request, and a waiver shall only be granted if an unusual or extreme circumstance exists which causes an unreasonable hardship due to the size or irregular shape of the site and the use being proposed on the site. The Planning Director may also approve an alternative approach if it is determined that the intent and purpose of this article is achieved.

SECTION 2220 – Enforcement

Inspections shall be conducted by the Planning Director, or designee, before and after construction to assure compliance with the submitted and approved Site Plan. Post Development site inspections will be conducted according to Article 23.

SECTION 2225 - Sight Triangles

All required landscaping plans must incorporate sight triangles (see Section 2412) that preserve the visibility of pedestrians and motorists. Any plant material taller than 3½ feet shall not be permitted within sight triangles. Plant material includes trees that are limbed up, because a mature tree trunk can impair motorist visibility.

SECTION 2230 – Plant Types

The Plant Types listed below are arranged by size of plant at maturity and evergreen or deciduous plant types. The height is measured from the surface of the planted area to the top of the plant (does not include the roots of the plant) or by container size. All plants selected from each plant type shall be indigenous to this region or capable of flourishing within the proposed planting area. Information about the proposed plants may be required for review and verification of the plant type from the nursery.

1. Plant Type A Large deciduous trees over 50 feet in height at maturity;
2. Plant Type B Medium sized deciduous tree from 25 to 50 feet in height at maturity;
3. Plant Type C Large shrubs or small trees 10 to 25 feet in height at maturity.
4. Plant Type D Large evergreen trees over 50 feet in height at maturity;
5. Plant Type E Shrubs that include all sizes and ground cover.

SECTION 2235 – Berming

Berming, which is an earthen mound that is designed to provide visual interest, screen undesirable views, and decrease noise, may be used as an effective method of landscaping and

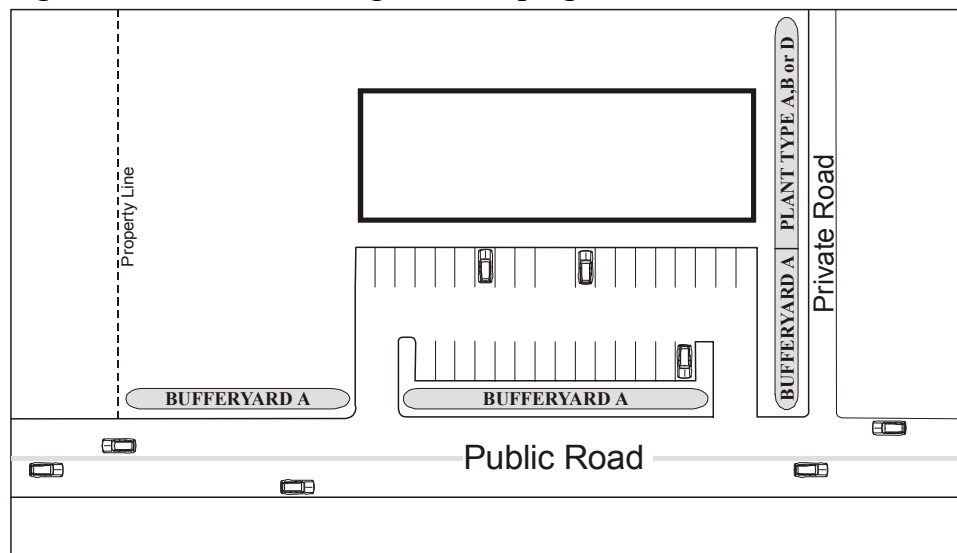
screening in accordance with the following guidelines:

1. The berm shall be located between the right-of-way and the building setback lines;
2. Berming shall generally vary in height, width and length to create a free-form naturalistic effect;
3. The slope of a berm shall not exceed a 2.5:1 ratio;
4. The use of berms may reduce the size and number of plants required by a specific bufferyard, if it is specified in Section 2260;
5. The design of berms shall include provisions for drainage that is tied into entire site system if necessary or applicable.

SECTION 2240 - Landscaping Along Street Frontages

When a developing use adjoins a street, regardless of whether it is public or private, landscaping shall be required from Bufferyard A (See Table 22-2) along the entire street frontage. This landscaping is not required to be placed in a linear design, but shall be required to be dispersed throughout the street frontage and not clustered entirely at the ends of the property. This landscaping will provide screening for vehicular use areas, while also allowing flexibility for uses, which require high visibility from street frontages. If the street frontage (area between the building and the street) does not contain a V.U.A., then only the trees from Plant Type A, B, or D shall be required. The required plants from Plant Type C and E can be reduced by fifty (50) percent if the bufferyard width is increased to twenty (20) feet and eliminated if the bufferyard is increased to thirty (30) feet. However, in all cases the trees from Plant Type A, B, or D shall still be required. The required landscaping is illustrated in **Figure 22.1**.

Figure 22.1 – Street Frontage Landscaping



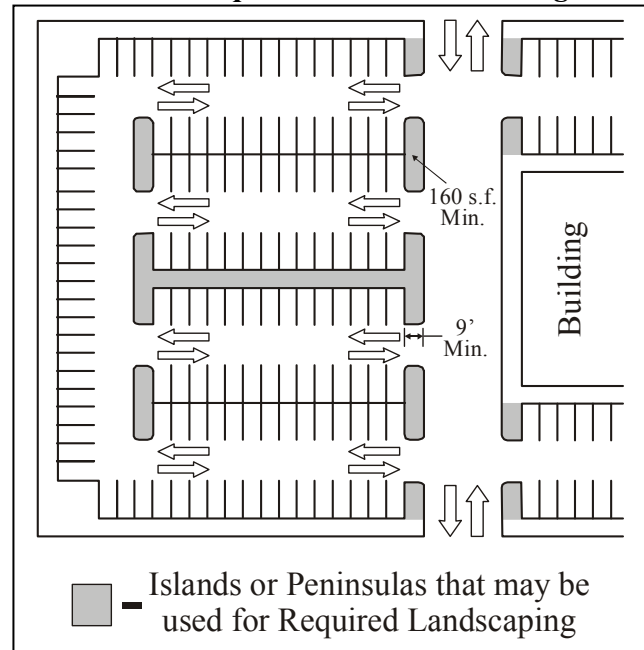
Activities, such as outside storage, loading/unloading areas, parking of semi-trailers and heavy equipment or other unsightly activities or operations which do not require public visibility for the operation of the use, shall be required to provide screening found within Bufferyard C. The width of bufferyards required in this section shall be as identified in **Table 22.2**.

SECTION 2245 - Interior Landscaping for Vehicular Use Areas (VUA)

Landscaping shall be provided for vehicular use areas that contain more than 20 parking spaces, and designed in accordance with Article 21, Article 24, and the following standards:

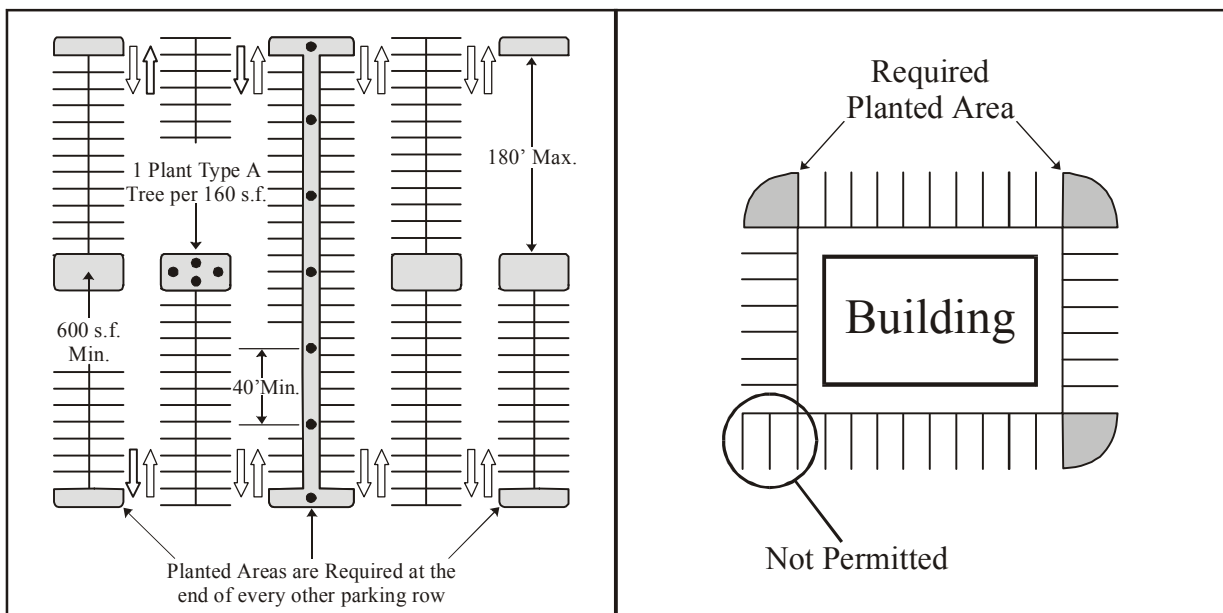
1. A minimum of 5 percent of the total VUA shall be landscaped and the landscaping shall be dispersed throughout the paved area, as illustrated in **Figure 22.2**. This landscaped area cannot be combined into one large planting area, except as permitted by Item 5 of this section. This interior landscaping shall be in addition to any other planting or landscaping required within this article;
2. The VUA landscaping shall contain a variety of trees from Plant Type A and be dispersed in the form of islands or peninsulas throughout the VUA, as illustrated in **Figure 22.2**. The minimum size of planting areas shall be 9 feet in width and 160 square feet in size;

Figure 22.2 - Interior Landscape Measurement & Design



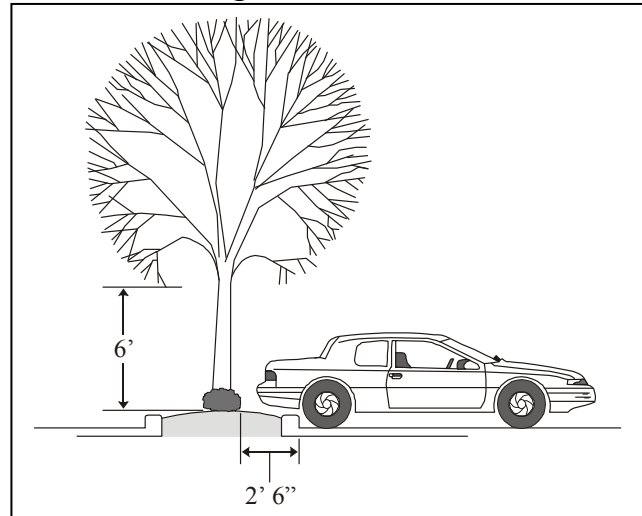
3. Planted areas will be required to have 1 tree from Plant Type A per 160 square feet of area and 1 tree per 40 linear feet (or fraction thereof) if designed as in **Figure 22.3**;

Figure 22.3 - Location & Types of Landscape Islands



4. Planted areas shall be required at the end of every other parking row and when parking adjoins each other at or near right angles as illustrated in **Figure 22.3**. Planting areas that are a minimum of 600 square feet will be required if parking rows are unbroken for 180 linear feet or more as illustrated in **Figure 22.3**;
5. Sites that have large uninterrupted circulation areas for tractor trailers and trucks, such as warehouses and distribution centers, can provide one or more large landscaped islands in order to comply with the required 5 percent landscaped area within the large circulation areas;
6. All planting islands shall be covered with grass, low ground cover, shrubs, flowers, mulch or any combination of these. Hard surfaces or gravel shall not be permitted for use as ground cover;
7. All plant material, other than grass or ground cover that are located within landscape islands where vehicle overhangs are needed, shall be setback from the edge of pavement or face of curb a minimum of 2' 6" as is illustrated in **Figure 22.4**.

Figure 22.4 - Landscape Island Where Vehicle Overhangs Are Needed



SECTION 2250 – Building Landscaping

Any building with a blank facade, or blank portion of a facade, that is not used for outdoor display, storage or loading shall be required to provide the following landscaping if the wall is visible from a public right-of-way. Blank facades shall be classified as any wall that does not have windows used for display or entry doors for customers or the general public. Buildings that are 10,000 square feet or smaller shall be exempt from the requirements within this section.

1. The plant types found within Bufferyard A shall be required to break the mass and visual monotony of long blank facades. The landscaping is not required to be placed in a linear design, but shall be dispersed throughout the entire length of the blank facade. If the required bufferyard can be used to adequately reduce the view of the facade from the public right-of-way, no building landscaping shall be required. The Planning Director shall make the determination of whether the required bufferyard can be used for building landscaping;
2. Facades that adjoin a VUA shall have a minimum width of 8 feet for the required planting area. This planting area can be reduced to 4 feet if sidewalks are installed;
3. Landscaping should not be installed in an area that is planned for future expansion and shall not be installed in an area that is used for an emergency exit from the building.

SECTION 2255 – Loading, Storage, Utility & Trash Collection Areas

The loading/unloading areas, storage areas, utility and mechanical equipment and trash collection or compacting areas shall be screened from view of any public street right-of-way and from view of any adjoining residential use. The required screening can be accomplished by a continuous solid closed fence, masonry wall, earthen berm, hedging, evergreen plant materials, or combination, which is high enough to effectively screen the items mentioned above from view. Any wall or fence shall be the same or compatible, in terms of texture and quality, with the material and color of the principal building.

SECTION 2260 – Bufferyards

A bufferyard is defined as a planted area that is used to separate uses that are not compatible or provide an aesthetic separation between uses. This planted area should reduce or eliminate noise and light pollution and other adverse impacts, while providing a year-round or partial visual separation. Bufferyards shall consist of a continuous strip of land with screening that shall contain existing vegetation, planted vegetation, a berm, a wall or fence, or any combination of these. Bufferyards may be required in addition to any other landscaping requirement defined by this Article except Section 2240. The following are general requirements:

1. The bufferyard shall extend along the entire property line, where the bufferyard is required.
2. A proposed development may reduce the required bufferyard width by one-half if the developing use adjoins an existing use that has an established mature buffer, which meets or exceeds the bufferyard requirements for the adjoining developing use. However, the same quantity of plant material shall still be required within the bufferyard if a healthy planting environment can be provided.
3. The elimination or reduction of bufferyard requirements can be made if a developing site contains healthy mature vegetation. The amount of reduction permitted will depend on the size, type and density of the trees and vegetation that exists on the site. However, the maximum reduction that can be made to the bufferyard width is 50 percent of the required width. The required plant material can be completely eliminated if the existing vegetation accomplishes the type of screening required by the prescribed bufferyard. If this is not accomplished by the existing vegetation, then evergreens, fencing, berming, masonry wall or combination shall be used to supplement the existing screening as required.
4. Bufferyards can be located within building setbacks, and in some circumstances can be located within utility easements or right-of-ways. However, this will require approval by the Planning Director and shall only be permitted if the required amount of plant material can be accommodated in an area in which the plants will be permitted to flourish. Planting within these areas shall require a written agreement from the grantee of the easement or owner of the right-of-way. If the vegetation is removed or damaged because of necessary maintenance or construction, it will be the responsibility of the owner of the property to replace the required vegetation at their expense. No structures or activity can occur within the bufferyard except for ingress and egress to the site, including driveway

connections between adjoining sites, sidewalks, bicycle trails and passive recreation uses. In addition, detention and retention systems can also be located within the required buffer yards, if the visual screening requirements are not altered or diminished.

5. The design and exact placement of the bufferyard shall be the decision of the designer or developer, but shall be reviewed during the Site Plan Review process to ensure compliance with this article. Trees and shrubs will be planted a minimum of five (5) feet away from the property line to ensure maintenance access and to avoid encroachment on neighboring property, unless as permitted by Item 7 of this section.
6. When a proposed development adjoins an undeveloped parcel of land the required bufferyard shall be determined by the adjoining property's zoning designation and shall be installed in the time period required by this article as if the adjoining property were developed.
7. Bufferyards A and B, outlined in Table 22-2, can be shared between uses if an easement is provided and recorded which indicates how the maintenance and replacement of unhealthy plants will be accomplished. The width of the shared bufferyard can be reduced by 50 percent from the combined width of the required bufferyards. However, the number of plants required cannot be reduced within the shared bufferyard.

SECTION 2265 - Required Bufferyards

The type of bufferyard that is required is dependent upon the zoning of the use that is being developed and the zoning of the adjoining properties. If the zoning of the developing use is the same as the adjoining property, a bufferyard shall still be required. (See **Table 22.1**) Find the row that corresponds to the use that is being developed, and find the column that corresponds to the zoning of the adjoining property. The type of bufferyard that is required will be denoted in the chart.

SECTION 2270 - Bufferyard Types

Each type of bufferyard is described by the minimum number of plants, and the type of plants, that are required for each 100 linear feet of bufferyard. (See **Table 22.2**) Smaller trees may be replaced with larger trees if desired. The required shrubs within *Table 22.2* shall have a minimum mature height of six (6) feet if not pruned or managed. The number of plants required for a given bufferyard shall be determined by dividing the actual length of the bufferyard by 100, and multiply that number by the number of plants from each plant list required, and rounding to the next higher whole number. A *minimum of two different plant species* that possess similar traits shall be used from each plant type required at an even ratio per 100 linear feet of bufferyard required. Fences or walls that are used within bufferyards shall be located within the center or interior of the bufferyard and the plants shall be installed on both sides of the fence or wall. Fences shall be solid and provide 100 percent opacity. Chain link fences with slats shall not be permitted.

Table 22.1 - Bufferyards Required by Zoning District and Use

Type of Use Being Developed	Zoning of Adjoining Property	Bufferyard Required
MULTI-FAMILY DWELLINGS If the use being developed exceeds 80 dwelling units, and adjoins residential or agricultural zoning then a Bufferyard C is required.	Residential(R) or Agricultural(A)	B
	B-1, B-2 or B-3	B
	I-1 or I-2	C
MANUFACTURED HOME PARK If the use being developed exceeds 50 home lots, and adjoins a residential or agricultural use, a Bufferyard C is required.	Residential(R) or Agricultural(A)	B
	B-1, B-2 or B-3	B
	I-1 or I-2	C
B-1, B-2 or B-3 If the developed use exceeds 50,000 square feet, and adjoins a residential or agricultural use, a Bufferyard D is required.	Residential(R) or Agricultural(A)	C
	B-1, B-2 or B-3	A
	I-1 or I-2	A
I-1 or I-2	Residential(R) or Agricultural(A)	D
	B-1, B-2 or B-3	B
	I-1 or I-2	A

Table 22.2 - Bufferyard Types

BUFFERYARD A – 6 FOOT WIDTH
<ul style="list-style-type: none"> • 3 Large, Medium or Evergreen Trees – Plant Type A, B or D • 3 Small Trees – Plant Type C • 20 Shrubs – Plant Type E • Ground Cover is required in all areas not covered with grass or mulch
BUFFERYARD B – 20 FOOT WIDTH
<ul style="list-style-type: none"> • 5 Large, Medium or Evergreen Trees – Plant Type A, B or D • 5 Small Trees – Plant Type C • 40 Shrubs – Plant Type E • Ground Cover is required in all areas not covered with grass or mulch
BUFFERYARD C – 40 FOOT WIDTH
<ul style="list-style-type: none"> • 10 Evergreens – Plant Type D • 5 Large, Medium Trees – Plant Type A or B • 3 Small Trees – Plant Type C • 60 Shrubs – Plant Type E • Ground Cover is required in all areas not covered with grass or mulch <p>Bufferyard C can be reduced to 20 feet wide if a 6 feet high fence, masonry wall or combination is used. If a berm is used, the maximum slope shall not exceed a 2.5 to 1 ratio. The same number of trees is required but the number of shrubs may be reduced to 30.</p>
BUFFERYARD D – 80 FOOT WIDTH
<ul style="list-style-type: none"> • 20 Evergreens – Plant Type D planted in a double row spaced 10 feet on center in an equal lateral triangle configuration. • 5 Large Trees – Plant Type A or B • 5 Small Trees – Plant Type C • 90 Shrubs – Plant Type E <p>Bufferyard D can be reduced to 40 feet wide if a 6 feet high berm, fence, masonry wall or combination is used. If a berm is used, the maximum slope shall not exceed a 2.5 to 1 ratio. The same number of trees is required, but the number of shrubs may be reduced to 30.</p>

SECTION 2275 – Fences

1. All fences shall have the finished side facing out, with no structural supports visible from adjoining properties or public street rights-of-way, unless the fence is designed so that such supports are visible from both sides.
2. Fences shall be permitted within all districts. Fences within Residential Zones shall not exceed six (6) feet in height, and shall be located within the side or rear yards, unless otherwise permitted by item 4 of this section; fences within Business Zones shall not exceed eight (8) feet in height; and fences within Industrial Zones shall not exceed twelve (12) feet in height.
3. All fences shall be constructed of durable materials and shall be installed to withstand the natural weather conditions. Fences shall be maintained in good condition at all times.
4. Fences shall be permitted within the front yard according to the following standards:
 - a. No fence may be exceed six (6) feet in height;
 - b. Fences shall be of a decorative design (chain link, barbed wire, chicken wire and similar type fences are not permitted), and shall be designed to have an opacity of fifty (50) percent or more. Certain design elements of the fence, such as posts or other detailing, may be permitted up to four (4) feet in height.
 - c. No fence may be located within a public right-of-way nor can it be located in an area which will obstruct the sight triangle for any motorist or pedestrian as defined in Article 21.
5. Fences for Agricultural purposes are exempt from the requirements of this section.

ARTICLE 23

SITE PLAN REVIEW

SECTION 2300 – Intent

The purpose of this article is to regulate multi-family, commercial, office, industrial and other developments of structures and sites in a manner which considers the impacts to adjacent properties and public infrastructure. Single family residences are exempt from Site Plan Review. Site Plan Review will address specific issues such as parking, landscaping, internal and external access, stormwater runoff and erosion, garbage collection areas and outside storage. Further, this article is written for the benefit of a property owner or developer because it provides the design standards and requirements for developing property within Decatur County. This article includes references to all other pertinent articles related to the Site Plan Review procedure and requirements.

SECTION 2305 – Authority

The purpose of Site Plan Review is to protect the public health, safety and general welfare of Decatur County. The provisions and requirements in this article are written and shall be administered to ensure orderly growth and development of Decatur County. No building shall be erected or expanded, nor shall any grading take place or other site improvements occur, on any lot, site, or parcel for uses where Site Plan Review is required except in accordance with the regulations in this Zoning Ordinance and with the requirements stated in this article. All such Site Plans shall be reviewed by the Planning Department and a determination either approving or rejecting such plans shall be made in accordance with the requirements of this article and other applicable, articles of this order.

The Planning Department shall not be permitted to reject any Site Plan which is in full conformance with the requirements, terms and conditions of this article and Zoning Ordinance, nor can additional regulations be imposed which are not included within this Ordinance. All approved Site Plans shall be binding upon the applicant, property owner, developer, or their successors and shall limit the development or project to the construction work as shown on the approved Site Plan and to all conditions and limitations for such plans agreed to by the applicants. Amendments or changes to the approved Site Plans shall be subject to the provisions of section 2335. Site Plan Review is required when specified by the individual zoning district, when the proposal is beyond the scope of a Zoning Permit as specified in Article 6, or when the scope of the proposal is within the definition of a Minor Site Plan or Major Site Plan as described in Section 2310.

SECTION 2310 – Procedure

Prior to submitting an application for Site Plan Review each applicant, property owner, or

developer is encouraged to have a pre-application meeting with the Decatur County Plan Commission planning staff. The purpose of the pre-application meeting is to advise each applicant, property owner, or developer of the Site Plan Review procedure and requirements and discuss any initial concerns and omissions about the Site Plan that is being previewed. In addition, the results of the meeting will also determine whether the development proposed will follow the Minor Site Plan Review procedure or the Major Site Plan Review procedure. Both types of procedures are described below. Typically new developments on undeveloped land will require Major Site Plan Review.

Minor Site Plan: A Site Plan that involves no exterior utility construction (e.g., storm sewer, water, sanitary sewer, etc.), either no grading work or a minimal amount of grading work, no more than 12 parking spaces, no more than a 15% increase of the existing building square footage, no additional access points or curb cuts, and loading areas that are less than 10,000 square feet.

Major Site Plan: A Site Plan that involves exterior utility construction (storm sewer, water, sanitary sewer, etc.), grading work, more than 12 parking spaces, more than a 15% increase in the existing building square footage, access points or curb cuts, and a loading area in excess of 10,000 square feet.

SECTION 2315 - Application and Approval

An applicant, property owner, or developer is required to file an application with the Decatur County Planning Department. Action in the form of approval or denial of a Minor Site Plan by the Planning Commission's Staff shall occur within 10 working days of when the plan is officially submitted to the Planning Department's office in complete form.

Action in the form of approval or denial of a Major Site Plan is by the Plan Commission's Staff, in consultation with any other individuals or agencies that have been designated by the Plan Commission. Action on the application shall occur within 30 calendar days of when the Site Plan is submitted to the Decatur County Plan Commission's office in complete form. Upon approval of a site plan application, a Certificate of Land Use Restriction that specifies site plan approval and improvements shall be recorded for the real property in question. The Certificate of Land Use Restriction shall be released upon satisfactory completion of all required site improvements.

An appeal of the Staff denial of a Minor/Major Site Plan can be made to the Plan Commission and shall be scheduled at its next regularly-scheduled meeting. Written notification shall be made by the applicant to the Planning Director within thirty (30) calendar days of the Staff denial. Final action for approval or denial on the appeal of a Minor/Major Site Plan shall be made by the Plan Commission. Reasons for denial of a Minor Site Plan and Major Site Plan by the Plan Commission shall be given to the applicant in written form.

A waiver of any Site Plan requirement can be requested as part of the application for the development. In addition, extensions of the time requirements specified by this Article can be requested with the application for Site Plan Review. All waiver and extension shall be reviewed by Planning Director and issued only if such a waiver/extension is necessary due to unusual or

extreme circumstances inherent in the project site and if the requested waiver/extension does not adversely affect the Site Plan requirements of this Article.

SECTION 2320 - Site Plan Requirements

All Minor Site Plans submitted to the Decatur County Plan Commission shall be in accordance with this article and shall contain the following information:

1. Dimensions of the site or lot;
2. Location and width of all public and private streets, driveways, and other vehicular circulation areas;
3. Location of all existing and proposed structures;
4. The proposed use at the site;
5. Square footage and height of proposed building or addition;
6. Location of all existing water, sanitary sewer, storm sewer, electric and cable television lines, easements and poles;
7. Location of any proposed parking spaces with dimensions and access points;
8. Statement declaring that "no storm water detention, grading, or utility construction is necessary for construction of building addition or site work".
9. A listing of any variations from the requirements set forth in the Decatur County Zoning Ordinance. The variations can then be analyzed to determine if any require consideration from the Decatur County Board of Zoning Appeals.

All Major Site Plans submitted to the Decatur County Plan Commission in accordance with this article shall contain the following information:

1. Project name, date, north arrow, location map (a map which clearly shows the location of the property in respect to existing road and landmark);
2. A scale not smaller than 1 inch equals 100 feet or as approved by the Planning Director or designee;
3. A stamp or seal of an Indiana registered professional engineer, architect, landscape architect or land surveyor (the scope of work performed by such professionals in conjunction with a site plan submission is limited to that permitted by their respective licensing authorities). If grading and/or storm sewer construction work are being proposed, an Indiana registered professional engineer or surveyor shall be required to submit grading information and design the appropriate stormwater system. A stamp or seal of a Indiana registered professional engineer or surveyor is required for grading and stormwater construction work;
4. The present zoning of the subject property and all adjacent properties;
5. All existing and proposed public and private right-of-ways and streets; (See Article 24)
6. All abandoned streets;

7. Existing and proposed finished topography of the subject property shown by contours with intervals not to exceed 5 feet. If necessary, the Decatur County Plan Commission may request a geo-technical report of a specific site;
8. Location and height of existing and proposed structures on the property with each existing and proposed use noted;
9. Dimensions of each lot or property boundaries;
10. Proposed housing units proposed on the property depicting location, arrangements, number or units in each building, and where applicable, location and dimensions of all lots;
11. Location and arrangement of all common open space areas and recreational facilities;
12. Location, size, and type of all landscaping features (e.g. berms, walls fences, planting material) including: a landscape schedule that specifies plant species, number of plants per species, plant size at installation, and mature plant size; total square footage of the Vehicular Use Area (VUA), the total square footage required to be landscaped and the total landscaped area provided; and, existing trees which are to be retained including temporary fenced or taped areas which will be used to protect the trees during site disturbance. (See Article 22).
13. Location, orientation, lighting, materials, size, and height of signs (See Article 20);
14. Floodplain and/or floodway zone certification and base flood elevation if applicable;
15. Location of all existing and proposed utility lines and easements (each line should be labeled existing or proposed);
 - a. Water distribution systems, including line size, width of easements, type of pipe, location of hydrants and valves, and other appurtenances;
 - b. Sanitary sewer system, including pipe sizes, width of easements, gradients, types of pipes, invert elevations, location and type of manholes, the location, type, size of all lift or pumping stations, capacity, and process of any necessary treatment facilities, and other appurtenances;
 - c. Storm sewer and natural drainage system, including pipe and culvert sizes, gradients, location of open drainage courses, width of easements, location and size of inlets and catch basins, location and size of detention or retention and/or sedimentation basins, and data indicating the quantity of stormwater entering the subject property naturally from areas outside the property, the quantity of flow at each pickup point (inlet), the quantity of stormwater generated by development of the subject area, and the quantity of stormwater to be discharged at various points to areas outside the subject property. Show location of all detention/retention ponds (See Decatur County Drainage Ordinance);
 - d. Other utilities (e.g., electric, telephone, etc.) including the type of service and the width of easements, if information is available;
 - e. Statement located on the Plan regarding who will maintain the drainage system;
16. Location of all off-street parking, loading and/or unloading and driveway areas, (See

Article 21 & 24);

- a. the type of surfacing;
 - b. width, and depth of parking stalls, including disabled stalls;
 - c. driveway width;
 - d. traffic flow areas for one way traffic;
 - e. angle of parking used;
 - f. number of parking spaces and loading spaces;
17. Circulation system details that include the following: (See Article 24)
 - a. Pedestrian walkways, including alignment, grades, type of surfacing, and width;
 - b. Streets and driveways including alignment, grades, type of surfacing, width of pavement, and right-of-way and whether public or private;
 - c. Provisions for access management, which may include, but are not limited to:
 - i. a frontage road (public or private);
 - ii. coordination of curb cuts;
 - iii. curb cut connections accessible to adjoining properties;
 - iv. internal and external traffic control measures and traffic circulation patterns; (See Article 21)
 - d. Location of all above ground and underground storage tanks;
 - e. Location of dumpsters;
 - f. Location of outdoor storage areas.
18. Construction or installation details for the following:
 - a. paving, curbing, and sidewalk sections;
 - b. wheelchair ramps and/or curbs;
 - c. on-site traffic/vehicular regulatory signs, including disabled parking stall signage,
 - d. curbcuts;
 - e. garbage storage area enclosure or screening;
 - f. site lighting fixtures;
19. Provisions for control of erosion, hillside slippage, and sedimentation, indicating the temporary and permanent control practices and measures which will be implemented during all phases of clearing, grading, and construction. Show all affected or disturbed areas during construction on or within close proximity of the site (i.e., excavation, fill or storage). All provisions shall be in compliance with the Decatur County Drainage Ordinance;
20. If the proposed site was part of a zone change request, submit a copy of the approved concept development plan or show the relationship of the location of the proposed structure(s) to the approved zone change request;

21. Each applicant shall be required to submit traffic information estimating at minimum peak hour traffic entering and exiting the site under review. This information shall be used by the Plan Commission in determining the location of curb cuts or any additional traffic management controls on each site. When appropriate, a Traffic Impact Assessment may be required to be submitted for review by the Plan Commission (See Article 24);
22. Architectural information including the location of main doors and overhead doors shown on the site plan and the height of all structures noted on the site plan. Architectural elevations and renderings which illustrate the overall external building design, and materials and colors to be used in the building design shall be provided for sites that are subject to other design review requirements, such as conditions of zone change or Concept Development Plan approval;
23. Location of existing recorded or unrecorded cemeteries, buildings listed on the National Register or archaeological sites (See Article 25);
24. Location of parking lot and driveway lights and their illumination areas on the project site and adjoining properties (See Article 25);
25. Any development which requires that a public improvement be made as part of the development may require a financial surety to cover the cost of the public improvements. The Planning Director shall determine if a surety is needed.
26. A listing of any variations from the requirements set forth in the Decatur County Zoning Ordinance. The variations can then be analyzed to determine if any require consideration from the Decatur County Board of Zoning Appeals.

The aforementioned information required may be combined in any suitable and convenient manner so long as the data required is clearly indicated. For property to be developed in sections or phases, detailed Site Plans containing the above information need not be submitted for the entire property. Plans conforming to these criteria should be submitted for the section or phase to be developed along with conceptual or schematic plans for the entire property in order to show the relationship of the relevant section to the entire development plan.

SECTION 2325 - Expiration and Extension of Approval Period

The approval of a Site Plan shall be for a period not to exceed two years. If no grading work or building construction has begun within two years after approval is granted, the approved Site Plan will be void. Only a single one (1) year extension of an approved Site Plan may be granted upon request to the Plan Commission prior to the two year expiration date.

SECTION 2330 - Completion of Site Plan Construction Work and Requirements

All requirements of the approved Site Plan must be completed within six months of building occupancy unless an extension is granted by the Planning Director upon request. The Plan Commission's Staff will conduct a post-development site inspection after the period specified

above or occupancy of the use has begun. The purpose of the site inspection is to verify compliance with the approved Site Plan. Any deviation from the approved Site Plan may require a new application or an as-built plan be provided. The Planning Director shall make this decision. If no building construction is being proposed, all site construction work, if begun, is to be completed one year from the approval date by the Plan Commission. A copy of the approved Site Plan shall be retained on the job site until all site improvements have been completed and have been accepted by the Decatur County Plan Commission.

SECTION 2335 - Changes or Amendments

Any changes made to the approved Site Plan prior to the development of the site or building shall require the approval of the Plan Commission staff. Depending on the extent of the changes, a new application may be required by the Planning Director or designee. Any variations to an approved Site Plan that occurred in the development of the site or building will require that an “as built” Site Plan be submitted for review to the Planning Department. Depending on the extent of the changes, a new application may be required. If the “as built” site plan does not conform to the requirements in the Ordinance, it will be handled as a violation of the ordinance under Article 6.

ARTICLE 24

TRANSPORTATION MANAGEMENT REGULATIONS

SECTION 2400 – Intent

To promote effective modes of transportation, including safe and reasonable access between public roadways and adjacent land, transit service, bicycle, and pedestrian travel. These regulations aim to improve the convenience and ease of movement of travelers on public roads and provide for the reasonable speeds and economy of travel while maintaining the capacity of the roadway. The location and design of transportation facilities shall be in accordance with the following regulations. These regulations shall apply to all existing, planned, or proposed transportation facilities.

SECTION 2402- Provision For Pedestrian Network

Sidewalk connections to adjacent developments and/or public rights-of-way shall be encouraged and provided along public roads. New developments or re-development of existing sites should provide sidewalks along public roads. Where adequate right-of-way does not exist, right-of-way or public sidewalk easements shall be granted. The width of the sidewalks shall be in conformance with the requirements of the Decatur County Subdivision Regulations. At intersections and pedestrian crosswalks, wheelchair ramps shall be installed.

SECTION 2404 - Functional Roadway Classification

The functional classifications of roadways are necessary to differentiate between separate operating systems. The Decatur County transportation system of roadways is classified by operating class. The classification of highways by operating system in Decatur County is determined by several factors.

- **Geometric Characteristics** – The physical design of the roadway including, lane width, pavement width, grade etc.
- **Traffic Volumes** – the volume of Average Daily Traffic the roadway serves.
- **Connectivity** – the level of connectivity and access the roadway provides. Higher design roadway classifications generally connect inter-county or inter-state roadways. Lower level classifications generally provide local access.
- **Access Control** – the level of access that is permitted on the roadway.

Each roadway in Decatur County provides a particular function. In general these functions are differentiated by a hierarchy of traffic movements which includes, from highest to lowest

function, local access roads, collection systems, distribution facilities and primary movements. Each roadway in the county is classified by one of these operational functions.

1. ROADWAY CLASSIFICATIONS

The procedure to classify roadways follows a two-phase process.

- 1) *Classification by Access* - A determination made based on the interconnectivity of the roadway and the importance of the route not only within the county but externally as well. This establishes the roadway category; arterial, collector or local roadway.
- 2) *Classification by Traffic Volumes* - Analysis of the Average Daily Traffic (ADT) sub-classifies each facility determining the design parameters appropriate to that level of roadway.

A. Arterial System

There are two types of arterials, the principal arterial and the rural arterial. A principal arterial is generally identified as a facility which serves corridor movements adequate for statewide or interstate travel. The roadways in this category can be identified as the interstate system within the county.

Principal Arterial Roadways
I-74

Arterials are categorized by their linkages to cities or larger towns and they generally provide interstate or intercounty service. They are capable of attracting travel over long distances and have a spacing that is consistent with the population density in the county. All developed areas should generally be within a reasonable distance to an arterial.

Arterial Roadways	
SR 46 SR 3 SR 421.	

To further classify the roadways in this category, three (3) sub-categories are used based on the ADT volumes on the facilities. A list of these sub-categories is listed in Table 24.1. As each sub-category serves a separate level of traffic, design criteria has been developed separately to accommodate these differences. For example, a high-volume arterial's design standards will be greater than that of a low-volume arterial.

Table 24.1 – Rural Arterial Sub-Categories

Sub-Category	Average Daily Traffic (ADT)
Rural Arterial Category I	ADT < 400
Rural Arterial Category II	400 < ADT < 3,000
Rural Arterial Category III	3,000 < ADT < 5,000
Rural Arterial Category IV	ADT > 5,000

Along an arterial roadway, the provision of direct access to abutting land is **subordinate** to providing service to through traffic as facilitated through the following conditions:

- a. Direct private access to arterial roadways shall be permitted only when the property in question has no other reasonable access to the public roadway network;
- b. The design and location of allowable private access points must comply with all applicable sections of this regulation;
- c. Direct private access points to arterial roadways may be designated as "Temporary" and all requirements of Section 2460 shall apply.

B. Collector System

The collector system generally serves intracounty travel as opposed to statewide movements. The trips associated with a collector are predominantly shorter than those associated with arterial routes. Consequently, lesser design speeds are used and the design standards are generally less than that of arterial routes. Collector routes provide service to smaller communities and provide connections to the arterial system. They are categorized as serving the more important intracounty routes.

In order to further define the collector system the following sub-categories have been developed based on the ADT volumes on the roadway.

Table 24.2 – Rural Collector Sub-Categories

Sub-Category	Average Daily Traffic (ADT)
Rural Collector Category I	ADT <400
Rural Collector Category II	400 < ADT < 1,000
Rural Collector Category III	1,000 < ADT < 3,000
Rural Collector Category IV	3,000 < ADT < 5,000
Rural Collector Category V	ADT > 5,000

C. Local Roadways

The local roadway system in contrast to the arterial and collector system primarily provides access to adjacent land and to the wider network. It serves principally shorter trips and constitutes all roadways not classified as arterials or collector roads. To further designate this category and the design parameters required a set of sub-categories has been developed based on the roadway traffic volumes. These sub-categories are presented in Table 24.3 below.

Table 24.3 – Local Roadway Sub-Categories

Sub-Category	Average Daily Traffic (ADT)
Rural Local Category I	ADT <400
Rural Local Category II	400 < ADT < 1,000
Rural Local Category III	1,000 < ADT < 3,000
Rural Local Category IV	3,000 < ADT < 5,000
Category V	ADT > 5,000
Curb & Gutter Local Road (Urban Local Road)	NA

2. ROADWAY CLASSIFICATION VERIFICATION AND TRAFFIC COUNTS

It is important to note that the Roadway Functional Classifications will need to be continually reviewed and updated by the county. Functional Classifications can change over time due to new development and changing travel patterns. **The Plan Commission may require a 24-hour traffic count be conducted at the expense of the applicant on any roadway where an access point is requested.** The traffic count must be preformed by a firm approved by the Planning Director.

The functional classification of roadways within the county will change as the county develops and as road improvements and new roadways are constructed. Therefore development requests shall be reviewed to determine if the request will result in a functional change of the roadway. The classification of an existing or proposed roadway may be reviewed based upon a consideration of existing and projected traffic volumes, newly adopted transportation plans, changes in the existing and/or proposed character of lands adjoining the roadway, amended land use plans and zoning classification, and the availability of reasonable access to affected lands.

SECTION 2406 - Minimum Spacing of Driveways

In order to minimize the potential for accidents and delay to through vehicles, all adjacent driveways onto public roadways must be separated by the minimum distance shown in **Table 24.4**. These minimum spacing requirements may be adjusted slightly to better accommodate minimum sight distance requirements. Local residential streets shall be exempt from the

driveway spacing listed below.

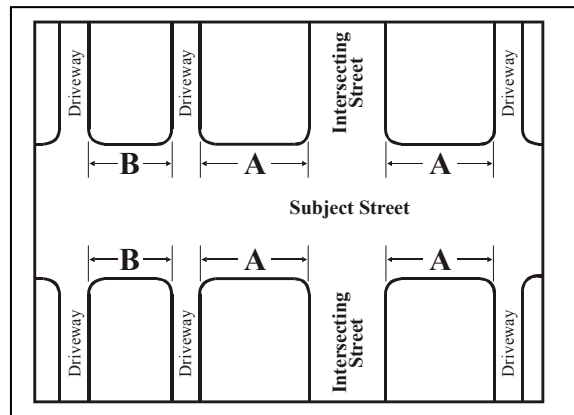
SECTION 2408 - Minimum Corner Clearance of Driveways from Intersecting Streets

Table 24.3 – Local Roadway Sub-Categories

The locations of driveways adjacent to intersecting streets shall conform to the minimum corner clearances provided in ***Table 24.4***.

ITEM A			
<i>Type of Intersection</i>	<i>Arterial</i>	<i>Collector</i>	<i>Local</i>
Signalized	230'	175'	50'
Non-Signalized	115'	75'	50'

ITEM B			
<i>Speed Limit</i>	<i>Arterial</i>	<i>Collector</i>	<i>Local</i>
< 40 MPH	275'	185'	N/A
≥ 40 MPH	275'	230'	N/A



Distances shall be measured from edge of pavement

SECTION 2410 – Minimum Sight Distances

All driveways and intersecting roadways for Residential use shall be designed and located so that the minimum sight distances as shown in ***Table 24.5*** are provided. The sight distance for speeds not located on the chart should be computed by dividing the speed limit by five (5) and multiplying that number by 35 feet [(speed limit / 5) 35].

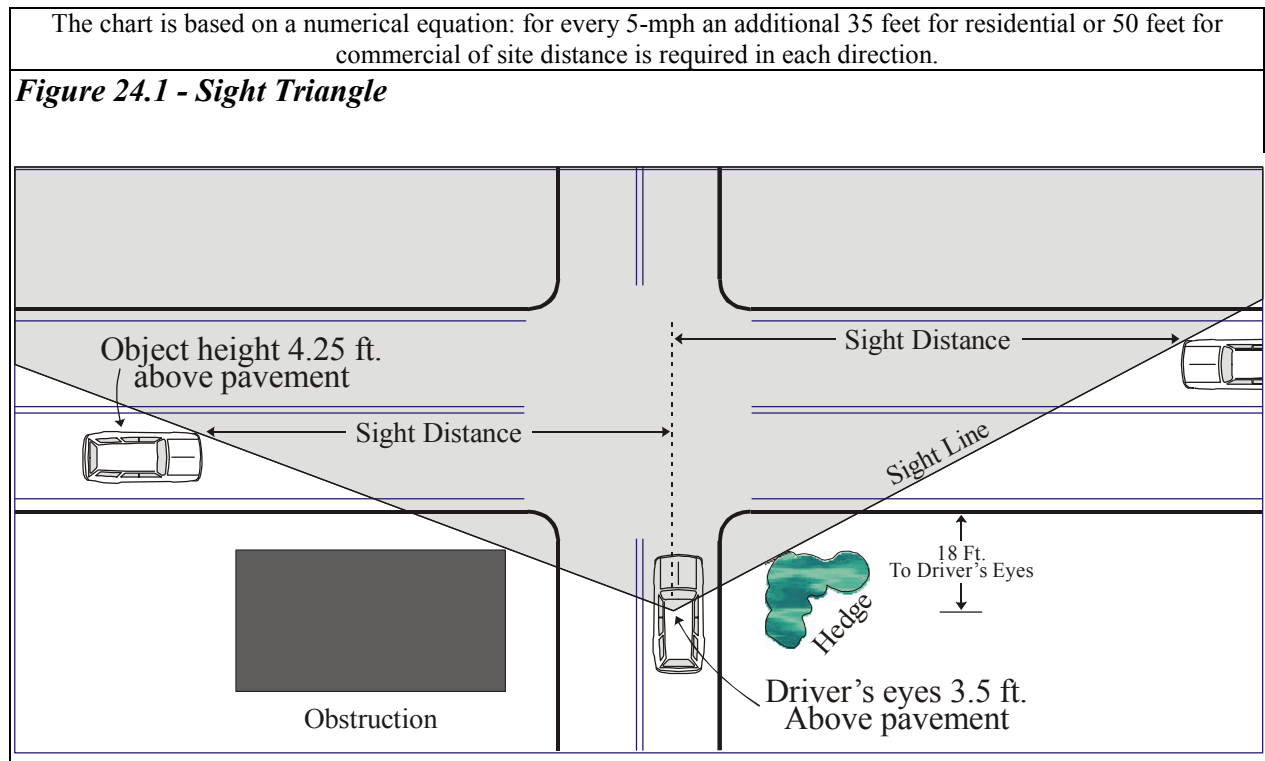
All driveways and intersecting roadways for Commercial use shall be designed and located so that the minimum sight distances as shown in ***Table 24.5*** are provided. The sight distance for speeds not located on the chart should be computed by dividing the speed limit by five (5) and multiplying that number by 50 feet [(speed limit / 5) 50].

State Roads must receive an access permit from the Indiana Department of Transportation and meet their standard for sight distance. The sight distances shall be applied as demonstrated by Figure 24.1

The Decatur County Highway Department can grant a 20% variance of the required sight distance if the street is: minimally traveled, located on a dead end street, contains little or no development, or is a gravel road.

Table 24.5 – Minimum Sight Distance Requirements

Operating Speed	25	30	35	40	45	50	55	60	65
Residential	175	210	245	280	315	350	385	420	455
Commercial	250	300	350	400	450	500	550	600	650



SECTION 2412 - Sight Triangle

In addition to the design and location of new access points with adequate sight distance, an adequate sight triangle shall also be maintained. Sight triangles are areas clear of visual obstruction to allow for the safe egress of vehicles from an access point, including an intersecting street onto a roadway. Sight triangles shall conform to the distances detailed in **Figure 24.1**.

SECTION 2414 - Provisions for Maintaining the Level of Service of the Roadway

The Plan Commission may require that all traffic requiring access to and from a development shall operate in such a manner as to not adversely affect the level of service of the roadway. Provisions for the present or future construction of a frontage road restriction or channelization of turning movements or other improvements may be required, as a condition of approval, in order to maintain the level of service of any adjacent roadway.

SECTION 2416 - Number and Location of Access Points

A driveway permit shall be obtained from the State or County for the road that is to be accessed. Each existing tract of land is entitled to one access point provided that its location and design fulfill, as a minimum, the requirements of these regulations including the following:

1. Where an undeveloped parcel adjoins another undeveloped parcel on a collector or an arterial roadway, access points shall be located along common property lines of such parcels, providing the potential access meets other applicable portions of these regulations. When the second undeveloped parcel is developed, it shall utilize the common access. Where access is provided along common property lines, an easement granting common access shall be provided. In addition, such access easements shall be of sufficient depth to provide adequate stacking distance for vehicles entering the access point from a public street, and shall also provide for dedication of right-of-way if the access should ever be developed into a public street.
2. Where the frontage of a tract of land is greater than 500 feet, an additional access point is permitted for each additional 500 feet of frontage, provided all access points are otherwise in compliance with all applicable sections of these regulations.
3. If a property has frontage on more than one street, access will be permitted only on those street frontages where standards contained in this ordinance and all other regulations can be met.
4. If a property cannot be served by any access point meeting these standards, the Plan Commission will designate one or more access point(s) based on traffic safety, operational needs, and conformance to as much of the requirements of these regulations as possible.

SECTION 2418 - Coordination of Access Points

Access points on opposite sides of roadways shall be located opposite each other. If not so located, turning movement restrictions may be imposed as determined necessary by the Plan Commission. In addition, in order to maximize the efficient utilization of access points, access drives shall be designed, located, and constructed in a manner to provide and make possible the coordination of access with and between adjacent properties developed (present or future) for similar or compatible uses. As a condition of approval for construction, use, or reuse of any access point, the Plan Commission may require that unobstructed and unencumbered access, in accordance with the provisions of this ordinance, be provided from any such access point to adjacent properties if the uses are similar or compatible and such connection is physically possible.

SECTION 2420 - Change in Property Use

Whenever the use of a parcel of land changes, or two or more parcels of land are assembled under one purpose, plan, entity, or usage, the existing access permit(s) shall become void. The Plan Commission may require the reconstruction, relocation, or closure of the access point(s), based on the new property use. Any such new or re-authorized access point must be in compliance with all applicable sections of this regulation, and may require the submission of a traffic study in accordance with Section 2448 of this ordinance.

SECTION 2422 - Existing Access

Existing access points, even if not in use, may not be relocated, altered, or developed without approval of the Plan Commission.

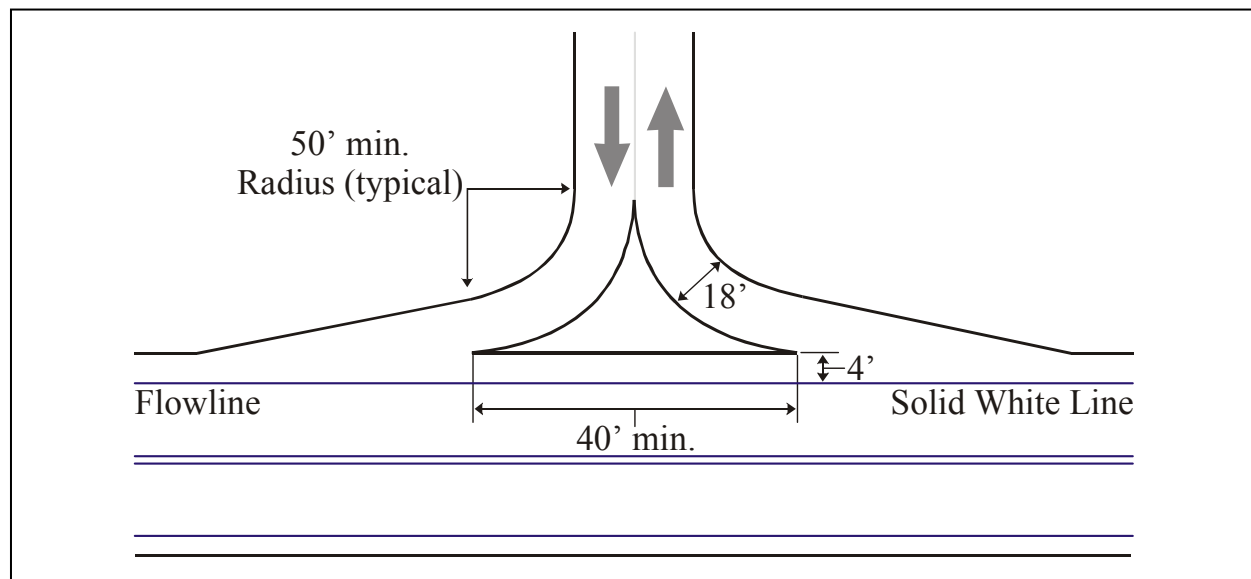
SECTION 2424 - Temporary Access Points

Any access point that does not comply with one or more sections of this regulation may be designated as “Temporary” upon approval by the Plan Commission. Any access point so designated may be terminated, reduced, limited to certain turning movements, or caused to be relocated by the Plan Commission at such time as the particular use served by an access point changes and/or the property is otherwise provided an alternate means of access via a frontage road, an intersecting street, or a shared common driveway. In all cases where said access points are classified as “temporary”, such designation shall be duly noted on the plan submitted for approval and also recorded as a Certificate of Land Use Restriction at the Decatur County Recorder’s Office with the expiration date noted. A driveway permit shall be obtained from the State or County for whichever road is to be accessed.

SECTION 2426 – Restriction of Turning Movements

Where necessary for the safe and efficient movement of traffic, the Plan Commission may require access points to provide for only limited turning movements (see **Figure 24.2**). Access points with restricted turning movements must still meet requirements for number and location

Figure 24.2 - Right Turn In / Out Access Design



of access points as specified in these regulations.

SECTION 2428 - Construction Access Points

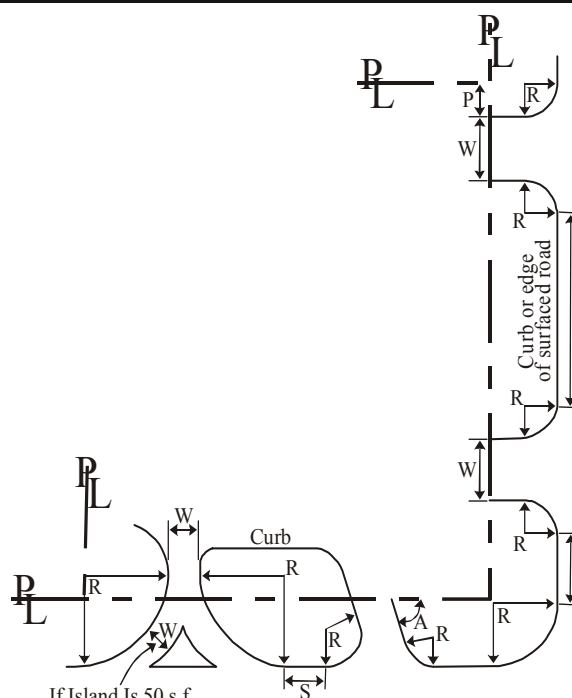
Construction access may be granted to undeveloped property prior to development of a site plan if access is needed for construction or preliminary site access. Construction accesses are subject to removal, relocation, or redesign after final site plan approval.

SECTION 2430 - Driveway Design

The design of driveway width, angle, grade, and curb radii shall comply with the provisions of this section. **Figure 24.3** and **Figure 24.4** presents the required dimensions and detail for driveway design based on rural or urban conditions. These dimensions shall be adjusted upward as necessary to accommodate design vehicles. If center-channelizing islands are used in a 2-way driveway, clearance widths of 1.5 to 2 feet should be added on both sides of the center island.

Figure 24.3 and 24.4 - Recommended Basic Driveway Dimension Guidelines

DIMENSION		URBAN			RURAL		
		Res.	Bus.	Manuf.	Res.	Bus.	Manuf.
Width (W) ¹	Minimum	10 ft.	15 ft.	20 ft.	10 ft.	15 ft.	20 ft.
	Maximum	30 ft.	35 ft.	40 ft.	30 ft.	40 ft.	40 ft.
Right Turn Radius (R) ²	Minimum	5 ft.	10 ft.	15 ft.	10 ft.	15 ft.	25 ft.
	Maximum	15 ft.	20 ft.	25 ft.	25 ft.	50 ft.	50 ft.
Angle (A) ³		45 ft.	45 ft.	45 ft.	45 ft.	45 ft.	45 ft.



1. The minimum width of commercial driveways is intended to apply to one-way operation. In high pedestrian areas, the maximum basic width should be 30 feet.
2. On the side of a driveway exposed to entry or exit by right-turning vehicles. In high pedestrian areas, the radii should be half the values shown. The maximum radii for major generator driveways can be higher than the values shown.
3. Minimum acute angle measured from edge of pavement, and generally based on one-way operation. For two-way driveways, and in high pedestrian areas, the minimum angle should be 70 degrees.

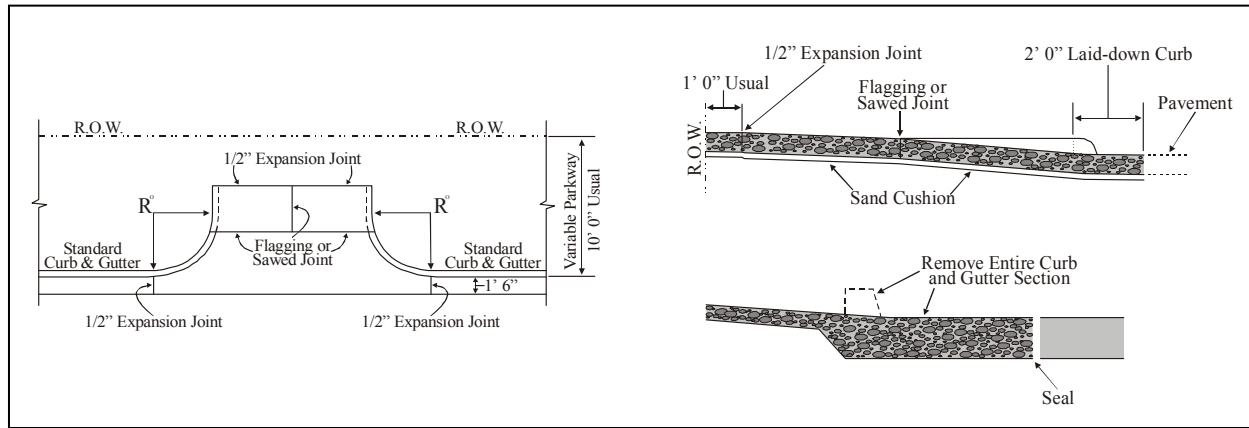
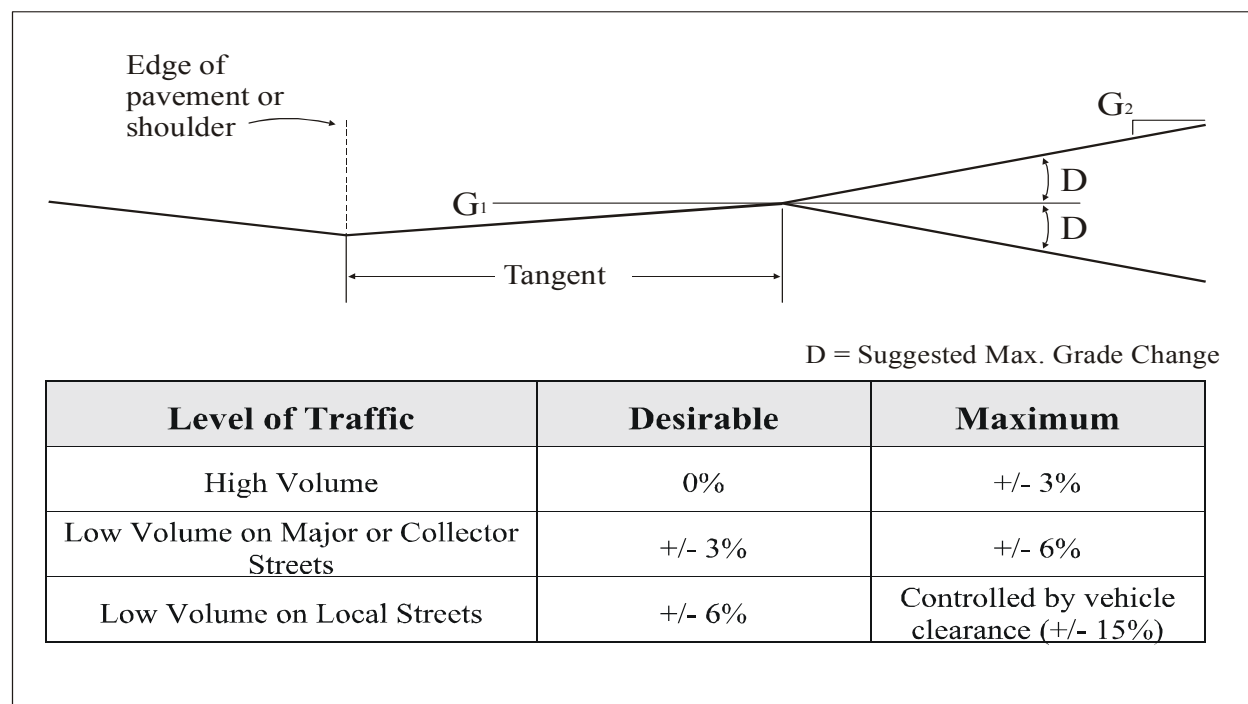


Figure 24.5 - Recommended Driveway Grades



SECTION 2432 - Driveway Grades

In high traffic areas the grade of a driveway should reflect the design illustrated in Figure 24.4. Existing curbing should be completely removed to insure a safe and efficient access to the development. Where drainage of water flowing onto a roadway is anticipated, a trench drain shall be installed as part of the driveway, **Figure 24.5** indicates recommended driveway grades. The value of G1 is limited by shoulder slopes and the presence of a sidewalk. In general G1 should not exceed 8% and the change in grade between the driveway grade and street cross-slope should not exceed 10%. Driveway grades, G2 should not exceed 15% for residential driveways and 8% for commercial or industrial driveways. A level "landing" area should be provided at the approach to the roadway. However, the effect of a vertical curve on sight distances should also be considered. Concrete sidewalk sections are to be provided through curb cuts where existing sidewalks exist or are required.

SECTION 2434 - Vehicle Storage/Circulation

No access will be approved for parking or loading areas that require backing maneuvers in a public street right-of-way except for single-family, duplex or townhouse residential uses on local streets. Any parking facility must have full internal vehicular circulation and storage. Vehicular circulation must be located completely within the property. In addition, each portion of the development must have access to all other portions without using the adjacent street system. Where a proposed development includes a truck loading operation, adequate space must be provided such that all truck maneuvering is performed off street, except as permitted by Article 21 Section 2170.

Adequate stacking capacity must be provided for both inbound and outbound vehicles to facilitate safe movement. Inbound vehicle storage areas must be of sufficient size to ensure that vehicles will not obstruct the adjacent street, sidewalk, or circulation within the development. Outbound vehicle storage areas must be provided to eliminate backup and delay of vehicles within the development.

SECTION 2436 - Spacing Restrictions for Signalized Access Points

Access points shall be designed such that those which will warrant signalization shall be spaced a minimum distance of one quarter mile apart. The location and design of the signalized access points shall be determined by a traffic engineering study, as detailed in Section 2448, prepared by the developer and subject to the approval of the Planning Department. If the installation of a traffic signal is approved, the developer may be responsible for the cost of purchasing, installing, operating, and maintaining the signal equipment.

SECTION 2438 - Provision of Exclusive Turning Lanes and Deceleration Lanes

At those access points where vehicles turning to and from the roadway will affect the capacity of the roadway, the developer shall dedicate sufficient right-of-way and construct turning lanes or deceleration lanes as necessary to maintain the capacity of the roadway. If the roadway in question has bike lanes, the developer shall also include adequate right-of-way for the bike lane and continue the bike lane through the access point.

SECTION 2440 - Provision of Frontage Roads

The Plan Commission may require the use of frontage roads to provide access to property adjacent to arterial and collector roadways. The landowner/developer may be required to construct the frontage road to the side and/or rear property lines or reserve sufficient right-of-way to allow future construction of such road.

As adjacent property develops, the landowner/developer shall be required to interconnect the individual portions of frontage roads as appropriate. Access to the roadway via an intersecting street or a common driveway may be required if the use of a frontage road is not feasible, as may be the case in the interconnecting of parking lots.

SECTION 2442 - Approval of Access Points Along State-Maintained Routes

A copy of the plans for all access points to be constructed along a state-maintained or controlled route shall be submitted to the Indiana Department of Transportation (INDOT) for review and approval at the same time as plans are submitted to the Plan Commission. Permission for the construction of access points along state-maintained roadways is subject to the approval of plans by both the local and state agencies. Any requirements within this Article that may be less restrictive or in conflict with INDOT requirements and shall follow the INDOT standards. In situations where the requirements of this Article or Ordinance are more restrictive than INDOT requirements, the more restrictive standards shall apply if permitted by State Law.

SECTION 2444 - Approval of Access Points

All access to roadways for development purposes requires zoning permit, site plan or subdivision approval from the Plan Commission and the Decatur County Highway Department, Indiana Department of Transportation, or agency with appropriate jurisdiction. Access to collector and arterial roadways will only be permitted if no other reasonable access is possible. The Plan Commission will review plans for development to verify compliance with these regulations at the earliest practical stage of application review.

SECTION 2446 – Waiver of Requirements

The Plan Commission may reasonably waive or modify, with conditions, the requirements of this Article, if it is determined that such action is warranted given the nature of an individual project and such action will serve to preserve the purpose and intent of these regulations.

SECTION 2448 - Traffic Studies

Traffic studies may be required by the Plan Commission in order to assess the impact of a development proposal on the existing and/or planned street system. The primary responsibility for assessing the traffic impacts associated with a proposed development will rest with the developer, while the Plan Commission serves in a review capacity.

The traffic study will be the responsibility of the applicant and must be prepared by a professional individual or firm with adequate experience in Transportation Engineering and Planning. Upon submission of a draft traffic study, the Plan Commission will review the study data sources, methods, and findings. Comments will be provided in a written form. The applicant/developer will then have an opportunity to incorporate necessary revisions prior to submitting a final report. All studies must be approved by the Plan Commission before acceptance.

The applicant should be notified at the pre-application stage whether a traffic study will be required provided adequate information is available to the Plan Commission. If the proposed

development appears to generate significant impact on the infrastructure, the applicant will be informed that a traffic study is required.

Transportation consultants are required to discuss projects with the Plan Commission prior to starting the study. Topics for possible discussion at such meetings will include trip generation, directional distribution of traffic, trip assignment, definition of the study area, intersections requiring critical lane analysis, methods for projecting build-out volume, and needs analysis of pedestrian/bicycle facilities. Specific requirements will vary dependent upon the specific site location being reviewed. No traffic study will be accepted unless the traffic study requirements of this regulation are met, and the applicant has a pre-application meeting with the Plan Commission.

Table 24.6 - Sample Table of Contents-Site Traffic Access Impact Study Report

Traffic Study Format

In order to provide consistency and to facilitate Staff review of traffic studies, the format that is described in **Table 24.6**, shall be followed by transportation consultants in the preparation of such studies. The analysis shall be presented in a logical sequence with footnotes where appropriate. A detailed description of the content of a study is detailed in Traffic Access and Impact Studies for Site Development, published by the Institute of Transportation Engineers. The outline in **Table 24.6** was taken from that document, and indicates the information that shall be included in a transportation study.

I. Introduction and Summary

- A. Purpose of Report and Study Objectives
- B. Executive Summary
 - 1. Site location and study area
 - 2. Development description
 - 3. Principal findings
 - 4. Conclusions
 - 5. Recommendations
- C. Qualifications and experience of firm or individual(s) who prepared the study.

II. Proposed Development (Site and Nearby)

- A. Off-site development
- B. Description of on-site development
 - 1. Land use and intensity
 - 2. Location
 - 3. Site plan
 - 4. Zoning
 - 5. Phasing and timing

III. Area Conditions

- A. Study Area
 - 1. Area of influence
 - 2. Area of significant traffic impact (may also be part of Chapter IV)

- B. Study Area Land Use
 - 1. Existing land uses
 - 2. Existing zoning
 - 3. Anticipated future development
- C. Site Accessibility
 - 1. Area roadway system (a. Existing; b. Future)
 - 2. Traffic volumes and conditions
 - 3. Transit service and Pedestrian/Bicycle facilities
 - 4. Existing relevant transportation system management programs
 - 5. Other as applicable

IV. Projected Traffic

- A. Site Traffic (each horizon year)
 - 1. Trip generation
 - 2. Trip distribution
 - 3. Modal split
 - 4. Trip assignment
- B. Through Traffic (each horizon year)
 - 1. Method of projections
 - 2. Trip generation
 - 3. Trip distribution
 - 4. Modal split
 - 5. Trip Assignment
- C. Total Traffic (each horizon year)

V. Traffic Analysis

- A. Site Access
- B. Capacity and Level of Service
- C. Critical Lane Analysis
- D. Traffic Safety
- E. Traffic Signals
- F. Vehicle~Bicycle~Pedestrian Circulation and Parking

VI. Improvement Analysis

- A. Improvements to accommodate base traffic
- B. Additional improvements to accommodate site traffic
- C. Alternative improvements
- D. Status of improvements already funded programmed₁ or planned
- E. Evaluation

VII. Findings

- A. Site accessibility
- B. Traffic impacts
- C. Need for any improvements
- D. Compliance with applicable local codes

VIII. Recommendations

- A. Site access/circulation plan
- B. Roadway improvements
 - 1. on-site
 - 2. off-site
 - 3. phasing, if appropriate
- C. Transportation System Management Actions
 - 1. off-site
 - 2. on-site operational
 - 3. on-site
- D. Other

IX. Conclusions

The executive summary should be a one or two-page synopsis that concisely summarizes the study purpose, conclusions, and recommendations. Throughout the study, assumptions must be detailed and described. The study should also specify which transportation improvements will be the responsibility of the developer to complete.

ARTICLE 25

GENERAL STANDARDS

SECTION 2500 – Intent

The purpose of this article is to set forth the physical, environmental, operational, and other performance or design standards which must be met in each and all districts, uses, buildings, structures, or alterations of lands, and to clarify situations where problems are frequently encountered. The following regulations shall govern height, density, setbacks, location of accessory structures, and other aspects pertinent to the administration and enforcement of this ordinance.

SECTION 2502 – Dimensional Table for all Zoning Districts

Table 25.1 lists the required dimensional standards, which are applicable to all zoning districts within this Ordinance.

SECTION 2504 - Exceptions to Height Regulations

The height of radio/t.v., telecommunication or other similar towers shall be regulated by the applicable zoning district, Article 15 and the required permit process.

SECTION 2506 – Lot Frontage Requirements

All parcels of land to be created or altered must comply within the road frontage requirements identified in *Table 25.1* or as outlined in the Decatur County Subdivision Regulations. Each lot is required to have a minimum lot frontage, which is measured along the roadway. For lots that have irregular geometric shapes the minimum lot frontage shall be measured at the building line.

SECTION 2508 - Setback Requirements for Corner Lots

On a corner lot, the front yard shall be determined by the orientation of the front of the principal building as located on the site. The side yard setback measured from the side yard right-of-way shall be required to have the same setback as the front yard. This side yard setback requirement regulates the location of the principal building and any associated accessory structures. (See *Figure 25.1*).

Table 25.1 - Dimensional Standards

District	Area	Width	Front	Side	Rear	Height
A-1			70'*/80'**	30'	30'	30'
A-2	1.5 acres	150'	70'*/80'**	30'	30'	30'
B-1			30'/70'	10'	20'	20'
B-2			30'/70'	10'	20'	40'
B-3			30'/70'	10'	20'	50'
I-1	50,000 sq. ft.	200'	70'	50'	50'	60'
I-2	217,800 sq. ft.	250'	250'	100'	100'	80'
R-1	12,000 sq. ft.	100'	40'	10'	35'	35'
R-2	7,500 sq. ft.	75'	30'	8'	30'	35'
R-3	6,000 sq. ft.	60'	30'	6'	20'	35'
R-4	As per ISDH	60'	30'	6'	20'	35'

*** FROM CENTER LINE OF ROAD**

**** FROM THE STATE HIGHWAY RIGHT-OF-WAY**

ALL OTHER FROM EDGE OF RIGHT-OF-WAY

Distance is from the center line of County Roads. (All other roads measure from the edge of the right-of-way)

SECTION 2510 - Building/s Located on Multiple Lots

Homes, buildings, or accessory structures are permitted to be constructed on more than one lot of record as long as the lots are under common ownership. The setbacks and location requirements for the home, building or accessory structure shall be the same as if the lot were combined as one lot of record. Homes, buildings or accessory structures located on multiple lots shall be required to file a Declaration of Contiguous Lots with the County Recorders Office, which indicates the following:

For planning and zoning purposes, the lot described herein shall be considered as part and parcel of the adjacent lot(s) owned by [insert owner's name] pursuant to a deed/s recorded at Deed Record [#s], page [#s], in the office of the Decatur County Recorder, Indiana. The real estate described herein shall not be considered to be a separate parcel of real estate for land use, development, conveyance or transfer of ownership, without having first obtained the expressed approval of the Decatur County Plan Commission. This restriction shall be a covenant running with the land.

SECTION 2512 – Dedicated Right-of-Way

When any parcel of land is being developed, rezoned, subdivided, or surveyed, and said parcel of land adjoins a County or State roadway, then said parcel of land shall dedicate a thirty foot (30) right-of-way to the County or State for use for utility and other necessary services. Said thirty (30) foot dedicated right-of-way shall be measured from the edge of the pavement or the edge of the gravel if the roadway is not paved.

SECTION 2514 - Exemptions for Agricultural Purposes

Nothing in this ordinance shall interfere with the right to farm pre-existing agricultural operations.

SECTION 2516 – Septic System Requirements

All lots that will utilize a septic system shall obtain a letter from the Decatur County Health Department setting forth the suitability of the placement of a septic system on the property. Each site shall be able to accommodate a typical three-bedroom home as the minimum requirement and shall be inspected by a licensed professional according to the specification established by the Decatur County Health Department. All reviews of and permits for each septic site and system shall still be under the authority of the Decatur County Health Department. All newly created lots recorded by Subdivision Review or Certified Survey that use a septic system shall be required to provide a dedicated and reserved primary site for the location of the septic system on the plat for each lot to be recorded.

SECTION 2518 – Underground Gas Line Requirements

When a four inch (4") up to a six inch (6") underground gas line is being installed, it shall be required to maintain a fifty foot (50') setback from any structure that it is not receiving service from the line. When a six inch (6") or larger underground gas line is being installed, it shall be required to maintain a five hundred foot (500') setback from any structure that is not receiving service from the line. Said six inch (6") or larger underground gas line shall be buried so that the

line is located five feet (5') deep from the ground surface to the top of the gas line pipe. When a compressor station is installed, it shall be required to maintain a two thousand foot (2,000') setback from any structure.

SECTION 2520 – Smoke

No operation or activity shall be carried out in any district which causes or creates levels of smoke that are determined to be a nuisance to the surrounding areas. The levels of smoke may be measured from any point of emission, and shall use the Ringelmann Smoke Chart published by the United States Bureau of Mines. Smoke not darker or more opaque than No. 0 on the described chart may be emitted except that smoke not darker or more opaque than No. 1 on the described chart may be emitted for periods not longer than four (4) minutes in any thirty (30) minute period. These provisions, applicable to visible grey smoke, shall also apply to visible smoke of a different color but with an equivalent apparent opacity.

SECTION 2522 - Home Owner Association

When Home Owner Associations or similar associations are to be employed for a development, the association documents shall be included with the plans and application for the development.

SECTION 2524 - Required Trash Areas

All uses other than single family residential or duplex developments that provide trash and/or garbage collection areas shall be completely enclosed or otherwise screened or located in such areas to minimize their visual impact from public streets, internal circulation areas, and adjoining properties. Provisions for adequate vehicular access to and from trash collection areas shall be required as determined by the Plan Commission.

SECTION 2526 - Public Right-of-Way

Nothing in this order shall permit the placement of any structure or use in any public right-of-way except publicly owned uses or structures and mailboxes.

SECTION 2528 - Temporary Buildings

Temporary buildings, construction trailers, equipment, and materials used in conjunction with construction work may be permitted in any district during the period construction work is in progress. Such temporary facilities shall be removed upon completion of the construction work. Continued placement, use or storage of such facilities or equipment on site beyond the completion date of the project shall require a zoning permit authorized by the Planning Director. These temporary buildings cannot be used for advertisement of any kind except that the temporary building may display the builder's and/or developer's name/s.

SECTION 2530 – Pond and Lake Requirements

The construction of ponds, lakes, or dams within Decatur County is permitted in the following Districts: A-1, A-2, R-1, R-2, R-3, R-4, B-1, B-2, and B-3 when approved by the Decatur County Board of Zoning Appeals as a Permanent Special Exception. When considering the approval of the application for the construction of a pond or dam, the Decatur County Board of Zoning Appeals shall implement the requirements set forth below as well as any additional requirements needed to preserve the surrounding land use for agricultural purposes and to protect adjoining property owners. Retention and detention ponds installed to comply with the stormwater requirements of this Ordinance, Decatur County Stormwater Drainage Control Ordinance, and the Decatur County Subdivision Ordinance are exempt from the specified requirements and shall not be considered a pond, lake or dam. The following requirements are not intended to supersede or contradict any State or Federal regulations pertaining to construction of a pond, lake, dam or watercourse. The more restrictive requirements shall be followed and the issuance of a permit from the Decatur County Planning and Zoning Department does not relieve the applicant of any State or Federal permits, which may be required.

1. No part of the pond or lake shall be constructed closer than 150 feet from any public right-of-way, or public/private easement. If the width of an easement containing a public roadway cannot be determined, 30 feet shall be added to the 150 foot setback, and shall be measured from the centerline of the roadway;
2. Ponds or lakes shall not be constructed closer than 30 feet from a property line, but at no time shall be closer than 150 feet to an existing residence on an adjoining parcel (said measurements to be measured from maximum fill line);
3. The pond or lake shall have a spillway constructed, which allows the overflow to follow the natural drainage course, and it shall be constructed so as to prevent soil erosion at the outflow of the dam;
4. Ponds or lakes, which have more than a one square mile area of drainage from upstream or contain more than 30 acres of water, shall be required to follow Site Plan Review as detailed in this ordinance. The plan must be prepared and stamped by a registered Indiana Engineer or Surveyor;
5. Ponds or lakes which have a depth greater than twenty (20) feet measured from crest of emergency spillway to flow line of original ground shall be required to follow Site Plan Review and have the plan prepared and stamped by a registered Indiana Engineer or Surveyor;
6. Any pond or lake constructed closer than 150 feet to a public or private roadway and the enclosure/water impounding area of the pond or lake is located below, or at the same grade, as the roadway, a guardrail shall be required to prevent vehicle entry from the road. A guardrail may not be necessary if vegetation exists between the pond or lake and the roadway, which would reasonably prevent vehicle entry from the road. If the pond or lake is located closer than 150 feet to the roadway, and is at a grade above the roadway, a guardrail may be required if vehicle entry from the roadway is possible. The Decatur County Engineer, or Highway Department, shall determine if a guardrail is required, and the guardrail shall be constructed according to the requirements and specifications of the

Decatur County Subdivision Ordinance. All ponds or lakes constructed closer than 150 feet to any public roadway shall require a permit from the Decatur County Highway Department.

SECTION 2532 - Parking and Storage of Certain Vehicles

Refer to Ordinance No. 2004-5 of the Decatur County Commissioners – An Ordinance Declaring Certain Conditions to be Public Nuisances and Requiring Abatement.

SECTION 2534 - Temporary Uses of Land or Structures

Temporary uses such as carnivals, revival meetings, concerts and uses of a similar nature can be permitted under the following conditions with a zoning permit:

1. A Zoning Permit will be required with a detailed site plan which indicates the location of the activity on the site, the location of parking, location of sanitary facilities, etc., and a written explanation of the event proposed, purpose, the specific hours and dates of the event and when the event will terminate;
2. The proposed site is of adequate size to accommodate the use without creating congestion in the streets or inadequate circulation for fire or other emergency vehicles. All parking for the event will be located on site or at other secured locations within 1000 feet of the event. Parking for the event shall not be permitted along public roadways;
3. Written confirmation is received from the appropriate police and fire department to alert them to the event;
4. Outdoor lighting will be shielded or directed away from adjoining residential property and streets;
5. All signs used to advertise the event shall be removed the following day after the event has ended;
6. Sanitary conditions are to be approved by the Decatur County Board of Health if necessary;
7. Permits from the appropriate highway departments for access into and out of parking areas if necessary;
8. Letter of credit or bond as needed to repair any damage that may be created as a result of the event to public roadways as determined by the Decatur County Highway Department if necessary;
9. Provide the names and addresses of the adjoining property owner for notification of the event;
10. Submit the application at least 30 days prior to the event;
11. The event shall not create a nuisance or hazard to the public health, safety, or welfare and the event will not create objectionable dust, noise, light or odors to adjoining properties.

The Planning Director or designee shall have discretion to limit the permitted times or scope of the event;

12. The applicant shall be responsible for all clean up to remove and properly dispose of all debris and to restore the site.

SECTION 2536 - Water Supply and Sewage Disposal

No use, building, or structure shall be conducted or constructed without the infrastructure to insure that sufficient water supply and sewage disposal capacity is available to meet the needs of the particular site's users and to protect the environment.

SECTION 2538 – Outside Storage

Outside storage of materials, vehicles, products, parts or other similar items shall be prohibited unless approved by the Decatur County Board of Zoning Appeals and permitted within the zoning district. In situations where outside storage exists or is proposed, the Decatur County Board of Zoning Appeals shall have the authority to determine the appropriate screening if necessary or required.

SECTION 2540 – Exempt Uses

The extension of public utilities that are not part of a site plan or subdivision review, such as water and sewer lines, pump stations, and well heads, shall be permitted in all zoning districts within the county and will not require a permit from the Plan Commission for the construction of the facility. However, this section applies to zoning approval only as outlined within this Ordinance and does not eliminate the requirements of any permit that may be necessary from other federal, state or local agencies and departments.

SECTION 2542 – Survey Completion Requirements

Upon any approval of a request before the Area Plan Commission that requires a survey be prepared for recording purposes, the Applicant shall have a period of one (1) year to complete the survey, obtain approval of the survey from the Area Plan Director, and have the survey recorded in the County records. In the event the survey is not properly recorded within one (1) year from the date of the approval by the Area Plan Commission, the approval for rezone shall be rescinded and the Applicant shall be required to submit a new application for rezoning and proceed through the required steps in order to have the parcel of real estate properly rezoned.

SECTION 2544 – A-2 Required Buffer Strip

All single-family residential dwellings established in an A-2 District shall be required to establish a twenty-five (25) foot buffer strip around the perimeter of their property. This buffer

strip is to contain only grass cover and no additional vegetation such as trees, shrubs, and plants shall be permitted in this buffer strip. The purpose of the buffer strip is to allow an adjoining property owner that may be participating in farming operations that would require chemical application processes the ability to apply the chemicals without interfering with plant life on the adjoining property. This twenty-five (25) foot buffer strip shall be designated on the survey for the parcel of real estate.

SECTION 2546 – All Season Emergency Access to Dwelling Sites

Each building site for a residential dwelling shall have emergency access during all seasons of the year.

ARTICLE 26

UNIFORM NUMBERING SYSTEM

SECTION 2600 – Intent

The purpose of this article is to establish and maintain an effective system of numbering, for properties that have been developed into a use that is permitted by this ordinance. Such a system shall allow the 911 Emergency Service to identify properties that are in need of immediate assistance. A uniform numbering system shall also enhance the delivery of mail by the U.S. Postal Service, as well as the delivery of additional goods and services.

SECTION 2605 – Administration

The Planning Director or designee shall issue numbers to all primary structures that are located in unincorporated areas of Decatur County. A number shall be assigned to a primary structure when a Zoning Permit is approved for that structure, and the number shall be assigned in a manner that is in conformance with this article. Structures that are not approved to be a unit of living or business shall not receive a number, unless the Planning Director or designee determines that it is necessary to do so. A list of all numbers that have been issued shall be maintained in a format that is easily accessible and categorized by the post office that is responsible for the mail delivery of that structure.

SECTION 2610 – System of Numbering

1. Grid System

The method of numbering shall be based on the Purdue Grid System, which classifies the direction of roadways as being North-South, and East-West. The North-South grid shall be represented by horizontal lines, and the East-West grid shall be represented by vertical lines. Grid lines shall be separated at one (1) mile intervals creating a block, or “section,” that will be used to determine the range of numbers.

2. Range of Numbers

The blocks that have been defined by the grid system shall represent intervals of 1000 numbers and shall be used to determine a range of numbers to be used when issuing addresses. The grid shall begin at the point defined as “zero” and increase by 1000 for each interval throughout the county.

3. Classifying the Roadway

The road, on which the number shall be assigned, is dependent upon the location of the driveway, or main access point. If there is more than one main access point, the address shall be assigned at the access point that is nearest the front of the property, based on the positioning of the structure. The road that the address will be assigned on shall be classified as North-South, or East-West depending on the overall direction of the street. Measure the road's distance horizontally and vertically from the point at which the road begins to the point at which the road ends. The road shall be classified as North-South, if the vertical distance is greater than the horizontal distance; and the road shall be classified as East-West, if the horizontal distance is greater than the vertical distance.

4. Assigning Numbers

Specific numbers shall be assigned based on the direction of the street, and the location of the structure within the defined grid. Each section of the grid shall have a defined minimum and maximum that each address must fall within. Within the range of numbers, the address shall correspond to its distance from the minimum and maximum. The specific number that is assigned shall be odd or even, depending on the direction of the road, and the side of the road that the structure is on. The determination of the type of number to be issued shall use the following requirements:

- a. If the address is being issued on the East side of a North-South road, the address shall be an Even number;
- b. If the address is being issued on the West side of a North-South road, the address shall be an Odd number;
- c. If the address is being issued on the North side of a East-West road, the address shall be an Even number;
- d. If the address is being issued on the South side of an East-West road, the address shall be an Odd number.

SECTION 2615 – Private Lanes

A common driveway that is used to access two (2) or more primary structures which are located more than 100 feet from, or are not visible from, the county maintained roadway that is used to access the structures, shall be assigned a lane name that is approved by the Planning Director, or designee. Landowners that use the private lane shall have the option of proposing a lane name that will be used by the county. If a name cannot be decided upon, the Planning Director, or designee, shall assign an appropriate name. All private lanes shall use the suffix of "Lane"; No private lane name shall be permitted which uses a first, personal name; and, no private lane name shall be the same as, or similar to, an existing lane name.

Private lane names may be given to any common driveway that is used to access two (2) or more primary structures, if the Planning Director, or designee, considers it necessary to avoid confusion.

SECTION 2620 – Display of Address

1. Location

All addresses that are issued by the Decatur County Plan Commission shall be posted in a conspicuous location that can be identified from the county roadway that is used to access the structure. The number may be posted in any prominent place, including on the structure itself, an outside light post, or a similar location. It may be displayed on a mailbox if it is according to postal regulations.

All structures that are located more than 100 feet off the county roadway used to access the structure, not visible from the county roadway, or located on a private lane, shall display the number at the entrance of the driveway, or private lane, in addition to a prominent location on, or near, the structure.

2. Size

Addresses shall be displayed with numbers that are a minimum of three (3) inches in height, made of a durable, weatherproof material, and shall contrast in color from its background for easy visibility. Reflective materials should be avoided, as they are difficult to read when headlights, or spotlights, are placed upon them.

SECTION 2625 – Re-Numbering

The Planning Director, or designee, has the authority to re-number any structure in order to comply with the Uniform Numbering System. The owner of any property that is re-numbered, shall be notified of the change and the reasons for the change. All changes must be reflected immediately.

SECTION 2630 –Notification of Local Agencies

All new and changed addresses shall be reported on a regular basis to local groups and agencies that are directly involved in the implementation of the Uniform Numbering System. The groups and agencies shall be notified in a timely manner, in order to prepare for any measures that may be necessary to reflect the changes. Upon request of the Decatur County Commissioners, a current status report of the implementation of the Uniform Numbering System, shall be provided.

SECTION 2635 – Violation

Any property owner that fails to display, or maintain, the assigned number as required by this article, shall be held responsible for violating the provisions of this ordinance. A fine of not less than \$10.00 and not more than \$25.00 shall be charged for each offense. Each day that the violation exists shall constitute a separate offense.

SECTION 2640 – Enforcement

The Board of Commissioners may institute a suit for injunction in the courts of Decatur County to restrain any person, firm, or corporation who shall remove, alter, deface, destroy or conceal any number assigned to, or place upon, any building in compliance with this ordinance. A suit for injunction may also be filed against any person who places, or permits to place, any improper number that is not in compliance with this ordinance. The Board of Commissioners may institute a suit for mandatory injunction directing a person, firm, or corporation to correct any violation of the provisions of this ordinance, or to bring about compliance with the provisions of this ordinance. If the Board of Commissioners is successful in any such suit, the defendant, or respondent, shall bear the cost of the action, including reasonable attorney's fees.

ARTICLE 27

DEFINITIONS

SECTION 2700 - Interpretation of Terms or Words

For the purpose of this ordinance, certain terms or words used herein shall be interpreted as listed below. Definitions not found within this Article shall be defined as found in the current edition of *Webster's Dictionary*, and/or *A Glossary of Zoning, Development, and Planning Terms* as published by the American Planning Association.

1. The word "person" includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual.
2. The present tense includes the future tense, the singular number includes the plural, and the plural includes the singular.
3. The word "shall" is a mandatory requirement, the word "may" is a permissive requirement, and the word "should" is a preferred requirement.
4. The words "used" or "occupied" include the words "intended, designed, or arranged to be used or occupied."
5. The word "lot" includes the words "plot" or "parcel."

AASHTO

American Association of State Highway and Transportation Officials.

Abandonment

To cease or discontinue a use or activity without intent to resume, but excluding temporary or short-term interruptions to a use or activity during periods of remodeling, maintaining, or otherwise improving or rearranging a facility, or during normal periods or vacation or seasonal closure, and also excluding lapses in between different owners or tenants who carry out the same use or activity.

Abutting or Adjoining

Having a common border with, or being separated from such common border by a right-of-way, alley, or easement.

Acceleration Lane

A speed change lane, including tapered areas, for the purpose of enabling a vehicle entering a roadway to increase its speed to a rate at which it can more safely merge with through traffic.

Access

Driveway or other point of access such as a street, road, or highway that connects to the general street system. Where two public roadways intersect, the secondary roadway will be the access.

Accessory Building or Structure

A building or structure, the use of which is customarily incidental and subordinate to the use of the principal building or principal use of the land on which the structure is located.

Accessory Dwelling Unit

An additional dwelling unit within a single family residence, or within a structure accessory to a single family residence, that does not occupy more than thirty five (35) percent of the total floor area of the principle structure. Such a unit is created by partitioning or finishing a space within the primary residential structure or structure accessory to the primary residential structure. The primary dwelling unit and accessory dwelling unit together shall not exceed the maximum permitted density for the zone in question.

Accessory Use of Structure

A use or structure on the same lot as the principal use or structure and is subordinate in area, extent and purpose to the principal use or structure in which it serves. An accessory use or structure contributes to the comfort, convenience, and/or necessity for the occupants of the principal use or structure.

Adjoining Property

All property that touches the property line of the subject parcel on all sides. Properties separated by roadways (except interstates) or bodies of water shall be considered adjoining property at the centerline of the road or body of water. The Decatur County Assessor's Office shall be the official public record of property ownership in Decatur County.

Administrator

The officer appointed by and/or delegated the responsibility for the administration of these regulations by the County Commissioners. This term shall be construed to include those planning staff members working under the direction of the Director.

Agricultural Use

Agricultural Use means the use of a tract of at least five (5) contiguous acres for the production of agricultural or horticultural crops, including but not limited to livestock, livestock products, poultry, poultry products, grain, hay, pastures, soybeans, tobacco, timber, orchard fruits, vegetables, flowers or ornamental plants, including provision for dwellings for persons and their families who are engaged in the above agricultural use on the tract but not including residential building development for sale or lease to the public.

Airport

A defined public or private land area designed and set aside for the landing and taking-off of aircraft. An airport includes all necessary runways, taxiways, passenger terminals, parking areas, aircraft maintenance and storage buildings, and open spaces.

Alley

(See Street)

Alterations, Structural

A change or rearrangement in the supporting members of a building such as bearing walls, columns, beams, or girders.

Amusement Park

A permanent facility open to the public on a seasonal or year round basis that includes a combination of recreational and/or entertainment attractions. Attractions at an amusement park consist primarily of mechanized or non-mechanized rides and exhibits for viewing, but may also include attractions such as arcades, vendors offering food or games of chance, and/or live music, theater, or multi-media events.

Apartment Dwelling Unit

A residential structure used for occupancy by three or more families living independently of each other and which contains three or more dwelling units, but not including townhouse dwelling units.

Applicant

The owner of land, or his agent or legal representative, who seeks an approval, permit, certificate or determination from the Commission or Board, under the provisions of this ordinance.

Architectural Feature

A prominent or significant part of element of a building, structure, or site.

As-Built Plan

A plan that indicates the way the site and/or building were actually developed on the property as opposed to the way they were planned to be developed.

Assisted Living Facility

A facility which provide assistance with food preparation, medicine, cleaning, social functions and other daily needs for elderly individuals in separate dwelling units.

Auto Parts and Accessories Store

A retail establishment that sells parts, components and accessories for motor vehicles but that does not conduct automotive repair activities, pursuant to the definition of “automotive repair facility,” and that does not conduct wholesaling or warehousing and distribution activities.

Automotive Repair Facility

A business establishment that repairs, rebuilds, reconditions, or services automobiles or automotive parts, including but not limited to any of the following activities: body and paint work, engine repair or rebuilding; installation, repair, or reconditioning of tires, brakes, transmissions, mufflers, automotive electrical or air conditioning systems, automotive upholstery, or automotive glass, all on a individual vehicle basis; changing of oil, other fluids, and filters; emissions testing.

Automotive Sales

The sale or leasing of new and used motor vehicles, displayed, stored and sold or leased on site excluding repair work except incidental repair.

Automotive Wrecking

The dismantling or wrecking of used motor vehicles, mobile homes, or trailers; or the storage, sale, or dumping of dismantled, wrecked vehicles or their parts. The presence of two or more non-operational motor vehicles on a lot for a time period exceeding thirty (30) days shall constitute evidence regarding the establishment of an automobile wrecking yard. Also may be referred to as a junkyard.

Average Daily Traffic (ADT)

The total bi-directional volume of traffic passing through a given point during a given time period, divided by the number of days in that time period.

Band Width

The time in seconds or the percent of cycle between a pair of parallel lines which delineate progressive movement on a time-space diagram. It is a quantitative measurement of through traffic capacity provided by signal progression.

Banner

Any sign of lightweight fabric or similar material that is not designed or intended for use as a permanently sign for advertising purposes.

Basement

A story underground having at least one-half of its height below the average level of the adjoining grade.

Bed and Breakfast Inn

An operator occupied dwelling unit where short term lodging rooms and meals are provided for compensation on a small scale.

Berm

An earthen mound designed to provide visual interest, screen undesirable views, and decrease noise.

Bicycle Lane (Bike Lane)

A portion of a roadway, or a lane adjacent to a roadway, which has been designated by striping, signing and pavement markings for the preferential or exclusive use of bicyclists.

Bicycle Route (Bike Route)

A segment of a system of bikeways designated by the jurisdiction having authority with appropriate directional and informational markers, with or without a specific bicycle route number.

Bikeway

Any road, path, or way which in some manner is specifically designated as being open to bicycle travel, regardless of whether such facilities are designated for the exclusive use of bicycles or are to be shared with other transportation modes.

Board of Zoning Appeals (BZA)

An appointed board responsible for hearing appeals of determinations made by Planning Director and considers requests for variances and conditional use permits as outlined in the zoning regulations.

Bufferyard

(See Landscaped Screening)

Building

A structure designed or intended for the support, enclosure, shelter, or protection of persons, animals, or property.

Building Accessory

A subordinate building detached from, but located on the same lot as the principal building, the use of which is incidental and accessory to that of the main building or use.

Building Height

The vertical distance measured from the average elevation of the proposed finished grade at the front of building to the highest point of the roof for flat roofs, to the deck line of mansard roofs, and the mean height between eaves and ridge for gable, hip, and gambrel roofs.

Building Setback Line

A horizontal distance line which is generally parallel to the related front, rear or side lot line. The building setback line cannot encroach upon the required minimum yard dimensions for principally permitted and accessory uses or structures as specified in this order.

Capacity

The maximum number of vehicles that have a reasonable expectation of passing over a given roadway or section of roadway in one direction during a given time period under prevailing roadway and traffic conditions.

Cemetery

A land area used or intended to be used for the purposes of the human or animal burial. A cemetery includes, but is not limited to a burial park for earth interment, mausoleum for entombment, columbarium for inurement, burial ground consisting of one (1) or more marked or unmarked graves, and a burial mound or other burial facility.

Centerline

The mid-point in the width of a public right-of-way or the center of a roadway.

Channel

A natural or artificial water course, with bed and banks that transport continuous or intermittent water flow.

Children Care Home

The definition of child care distinguishes among the following types of establishments:

1. Family Child Care Home: A private residence where care, protection, and supervision are provided, for a fee, at least twice a week to no more than six children at one time, including children of the adult provider.
2. Group Child Care Center, Class I: A building or structure where care, protection, and supervision are provided, on a regular schedule, at least twice a week to more than 7 children and no more than 12 children, including children of the adult provider.
3. Group Child Care Center, Class II: A building or structure where care, protection, and supervision are provided on a regular schedule, at least twice a week to more than 12 children, including the children of the adult provider.

Church

A facility used primarily for religious worship services of an assembly nature that may secondarily provide social or community services such as counseling, child care, senior services, and educational programs. For the purposes of this ordinance, synagogues, temples, and other places of religious assembly for worship, regardless of the terminology used by a specific faith or denomination, are considered churches pursuant to this definition.

Clinic

A facility that offers care, diagnosis and treatment of sick or injured persons. A clinic may provide out patient surgical attention but does not include accommodations.

Club

A facility owned or operated by persons for a social, literary, political, educational or recreational purpose for the exclusive use of members and their guests.

Commercial Recreation

A privately owned and operated facility that offers activities related to fitness, purposeful relaxation and/or games.

Comprehensive Plan

A plan or any portion thereof, adopted by the Plan Commission that establishes policies for public and private actions and decisions to safeguard the development of public and private property in the most appropriate manner. A comprehensive plan shall contain as a minimum, a statement of goals and objectives, principles, policies, and standards; a land use plan element; a transportation plan element; a community facilities plan element; and any additional elements.

Concept Development Plan

A plan that generally illustrates, depicts, and/or describes a development proposal, in accordance with the requirements of this ordinance. A Concept Development Plan is reviewed in conjunction with Zoning Map Amendment requests and other public hearing requests as specified in this ordinance. A Concept Development Plan approval shall be binding upon the future development of the real property in question.

Conditional Use

A defined use permitted within a zoning district other than a principally permitted use, requiring a conditional use permit and approval of the Board of Zoning Appeals. A conditional use has some special characteristic inherent to its operation and is subject to special requirements to mitigate negative land use impacts.

Conditional Use Permit

A permit granted by the Board of Zoning Appeals permitting a defined use, other than a principally permitted use to be established within the zoning district and subject to the special requirements established by the Board.

Condominium

A single-family attached dwelling unit separately owned and valued for property tax purposes, with common areas under group ownership and property taxes paid by a homeowners association.

Condominium Association

The community association that administers and maintains the common property and common elements of a condominium.

Confined Feeding

The raising of animals for food, fur or recreation in lots, pens, ponds, sheds or buildings, where they are confined, fed and maintained for at least 45 days during any year, and where there is no ground cover or vegetation present over at least half of the animals' confinement area. Livestock markets and sale barns are generally excluded.

Confined Feeding Operation

Any animal feeding operation engaged in the confined feeding of at least 300 cattle; 600 swine or sheep; 30,000 fowl, such as chickens, turkeys, or other poultry; and other aquatic-based operations for the raising of fish, shrimp, or other similar operations.

Convenience Store

A small retail store that sells grocery and deli items, other day-to-day goods, and stocks such goods on the premises, all on a limited basis. A convenience store may offer the retail sale of motor fuels as an accessory use if permitted in the particular zone, or if the particular zone allows gasoline filling stations as a principally permitted use.

Corner Lot

(See Lot Types)

County Maintained Roadway

(See Public Way)

Cul-De-Sac

(See Street)

Critical Volume

A volume (or combination of volumes) for a given street which produces the greatest utilization of capacity for that street in terms of passenger cars or mixed vehicles per hour.

Cycle Time

The time period in seconds required for one complete sequence of signal indications.

Day Care Center

(See Child Care Facility)

Day-time Hours

7:00 AM to 7:00 PM, local time.

Dead-end Street

(See Street)

Deceleration Lane

A speed change lane, including tapered areas, for the purpose of enabling a vehicle that is to make an exit turn from a roadway to slow to safe turning speed after it has left the main stream of faster moving traffic.

Decibel

A unit of measurement of the loudness, or intensity of sound. Sound level meters which are employed to measure the intensity of sound are calibrated in "decibels."

Delay

Stopped time per approach vehicle, in seconds per vehicle.

Density

Defined as a unit of measurement involving a portion of an activity devoted to a specific use identified in acres, square footage, or number of dwelling units in relation to a site or portion thereof. For commercial and employment uses, density is typically expressed in this order as a ratio of square footage of building area per acre of land area. For residential uses, density is typically expressed in terms of the number of dwelling units per acre of land. For signage, density is expressed in terms of the number of a certain type of signs per wall, building, lot, or overall development or subdivision. The term "density" may be used interchangeably with the term "intensity" in this order.

Design Hour Volume

Hourly traffic volume used for street design and capacity analysis, usually one or more peak hours during a 24-hour period.

Design Speed

Five to ten miles per hour above the proposed or desired speed limit of the facility under design

Design Vehicle

1. Developments intended for public use must be designed for the following types of vehicles:

Residential Uses (excluding single family or duplex)	SU30
Commercial Uses	WB40
Industrial Uses	WB50

2. For public street, the following design vehicles must be used:

Commercial/Multi-family Locals and' Minor Collectors	SU30
Major Collectors	WB40
Arterials	WB50

Definitions for the above vehicle types are found in AASHTO Geometric Highway Design Standards.

Detention Basin

A facility constructed or modified to restrict the flow of storm water through the facility's outlet to a prescribed maximum rate and, concurrently, to detain the excess waters that accumulate behind the facility's outlet.

DHV

Design Hour Volume

Diameter at Breast Height (dbh)

The diameter of a tree trunk as measured at the height of the chest of the individual making the measurement. For the purposes of this order and the landscaping requirements contained herein, dbh is 4.5 feet from grade.

Divided Highway

A highway with separate roadways for traffic in opposite directions, such separation being indicated by depressed dividing strips, raised curbs, traffic islands, other physical separations, or by standard pavement markings and other traffic control devices.

Drive -In

An establishment such as a restaurants or movie theater design and intended for patrons to be served or entertained within their automobiles.

Drive –Thru

A facility which provide a window in which the patron can purchase an item without leaving their automobiles.

Drop-off centers

A trailer or temporary structure used as a collection point for donated items for a specific non-profit organization.

Duplex Dwelling Unit

A single residential structure that contains two dwelling units for use by two separate families living independent of each other. The two dwelling units within a duplex dwelling unit structure are separated by a common wall, floor, and/or ceiling.

Dwelling

A building or structure, which is completely or partly used for residential purposes but does not include commercial hotels, motels or tourist cabins.

Dwelling Unit

An area within a dwelling, comprising of one housekeeping unit for occupancy by a family and household employees. A dwelling unit includes facilities such as bathrooms, a kitchen and bedrooms.

Dwelling Modular Unit

A factory-fabricated transportable building designed to be incorporated with similar units at a building site into a modular structure that will be a finished building in a fixed location on a permanent foundation.

Easement

A legally authorized use for a defined area by a property owner to the public, a corporation, another person, or an entity for a specified purpose.

Employee

Any person who works for an individual, group, or business, for compensation that is paid by the operator of the activity to the person providing the work.

Enforcement Officer

Individual(s) designated by the Planning Director to enforce the regulations within the zoning and subdivision ordinance.

Erosion

Detachment and movement of soil or rock fragments by water, wind, ice, temperature changes, and gravity.

Essential Services

The erection, construction, alteration, or maintenance, by public utility or governmental agency of underground gas, electrical, steam, water or other distribution systems, collection, communication, supply, disposal, or other transmission system. Includes, but is not limited to poles, wires, main drains, sewers, pipes, traffic signals, hydrants, or other similar equipment for the public's health, safety and general welfare.

Family

1. Any number of persons all of whom are related by blood, legal adoption, or marriage, occupying a common premises and living as one housekeeping unit using one kitchen; or
2. Five or fewer persons occupying a common premises and living as one housekeeping unit using one kitchen, provided that the premises is not a boarding house, lodging house, fraternity or sorority, club, hotel or a residence for social rehabilitation, or that admission to residency in or occupancy of the premises is not limited to or intended for persons in the custody of the criminal justice system or the juvenile justice system and persons engaged in the care, custody, nurturance, or supervision of such persons; or
3. More than five persons occupying a common premises and living as one housekeeping unit using one kitchen, provided that the premises is not a boarding house, home for the infirmed and aged, nursing home, lodging house, fraternity or sorority house, club, hotel, or other exceptional residential use, or a residence for social rehabilitation.

Farm Implement and Machinery Sales

The sale or leasing of new and used farm implements and machinery displayed, stored, and sold or leased on site excluding repair work except minor incidental repair.

Fence

A structure, other than a building, which is a barrier and used as a boundary or means of security or confinement.

Fire Trucks

Must be considered as a WB4O truck with a minimum of 45 ft. radius for design purposes.

Findings of Fact

The information that a board uses when making a recommendation or decision on an application.

Foot-candle

A unit of measurement that is used to gauge the brightness or illumination of a projected light source, which is equal to the light flux falling on one square foot of area one foot away from a light source of one candle power.

Franchise Style Fast Food Establishment

A restaurant that sells ready made food or readily prepared made to order food (hot or cold), from a typically limited menu, that is generally served in disposable containers or wrappers. A franchise style fast food establishment may include drive-in or drive-through service, although orders are generally not taken at the customer's table. A franchise style fast food establishment is typically characterized by the use of corporate trademarks in the design of on-site signage and by standardized corporate architecture in the design of the building.

Frequency

The number of oscillations per second.

Frontage

That side of a lot abutting on a street or way and ordinarily regarded as the front of the lot. Lots shall not be considered to front on stub ends of streets and the case of corner lots will be considered to front on both intersecting streets.

Garages, Private

A detached accessory building or portion of a principal building for the parking or temporary storage of automobiles, travel trailers and/or boats of the occupants of the premises and wherein:

1. Not more than one space is rented for parking to persons not resident on the premises;
2. No more than one commercial vehicle per dwelling unit is parked or stored;
3. The commercial vehicle permitted does not exceed two tones capacity.

Garages, Public

A facility designed and used for the temporary storage of operational automobiles.

Gasoline Filling Station

A facility that primarily offers the retail sale of gasoline and similar fuels. A gasoline filling station may offer automotive wash services if permitted in the particular zone as a principally permitted, accessory, or conditional use. Gasoline filling stations include the following activities that are accessory and incidental to the principle operation:

1. Sale of cold drinks, packaged food, and similar convenience goods.
2. Sale of road maps, other travel information material and provision of restroom facilities.

Grading

The process of moving or removing dirt, rock or vegetation from the property for the purpose of improving or developing the property. Grading can include removing material from the property to another site for the purpose of providing fill material to improve or develop the site. For the purpose of this Ordinance grading is not considered mining.

Handicapped Person

A person with a physical, emotional, or mental disability including but not limited to mental retardation, cerebral palsy, epilepsy, autism, deafness or hard of hearing, sight impairments, and orthopedic impairments, but not including convicted felons or misdemeanants on probation or parole or receiving supervision or rehabilitation services as a result of their prior conviction, or mentally ill persons who have pled guilty but mentally ill to a crime or not guilty by reason of insanity to a crime. "Handicapped person" does not include persons with current, illegal use of or addiction to alcohol or any controlled substance.

Home Occupation

A home business that is clearly an incidental and secondary use of the principal dwelling unit and that is conducted in conformance with the home occupation requirements of this order. Examples of acceptable home occupations commonly include personal or consulting services,

professional offices, or studios that do not necessitate clients coming to the business, and that do not necessitate either regular deliveries to the residence or the use of tractor-trailers for deliveries to the residence.

Homeowners Association

A private, nonprofit corporation of homeowners and/or residents of a defined area for the purpose of owning, operating, and maintaining various common properties.

Hotel or Motel and Apartment Hotel

A facility that offers transient lodging accommodations on a daily rate to the general public and provides additional services such as restaurants, conference rooms, and recreational facilities.

Hourly Volume

The number of (mixed) vehicles that pass over a given section of a lane of roadway during a time period of one hour.

Household

One or more individuals occupying a single dwelling unit.

Household Pets

Animals customarily kept within a home or upon the premises for the resident's personal use and enjoyment. They are not to be raised for commercial purposes and must be appropriately confined to a dwelling unit or a private boarding stable so as to not create a nuisance to adjoining property owners. Household pets include, but not limited to, domestic dogs, domestic cats, domestic birds, domestic fish, and domestic rodents.

Impact Vibrations

Earth-borne oscillations occurring in discrete pulses at or less than one hundred (100) per minute.

Impervious Surface

An area that has been compacted or covered by a layer of material that is highly resistant to infiltration by stormwater. Impervious surfaces include buildings, parking areas, driveways, sidewalks, and graveled areas.

Individual Sewage Disposal System

A septic tank, seepage tile sewage disposal system, or any other approved sewage treatment device approved by the Health Department to serve the disposal needs of one single-family residential dwelling. An individual sewage disposal system is a private sewage disposal system

Industrial Park

A defined geographic area planned and coordinated for the development of various industrial uses and associated activities. An industrial park is designed, constructed, and managed on an integrated basis with particular attention given to vehicular circulation, parking, utilities, stormwater management, building design, signage, and landscaping.

Industry, Heavy

A use engaged in the basic processing and manufacture of materials or products predominately from extracted or raw materials, or a use engaged in storage of, or manufacturing processes using flammable or explosive materials, or storage or manufacturing processes that potentially involve hazardous or commonly recognized offensive conditions.

Industry, Light

A use engaged in the manufacture, predominately from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, packaging, incidental storage, sales, and warehousing and distribution of such products, but excluding basic industrial processing.

Infrastructure

The total composition of public, semi-public and private utilities, facilities and services which make urban areas possible. The infrastructure includes roads, rail, transit, sewage, water, storm drainage, education, fire, police, recreation, general public health, general public administration and revenue.

Institution

A facility designed and used to aid individuals in need of mental, therapeutic, rehabilitation counseling, or other correctional services.

Intensity

(See Density)

Junkyard

A junkyard is an open area where junk, waste, scrap, discarded or salvaged materials are bought, sold, exchanged, stored, baled, packed, disassembled, or handled, including but not limited to scrap iron and other metals, papers, rags, rubber tires, bottles, and inoperable equipment or machines or motor vehicles. A junkyard includes automobile wrecking or salvage yards, house wrecking yards, used lumber yards and places or yards for storage of salvaged house-wrecking and structural steel materials and equipment, but does not include uses established entirely within enclosed buildings or composting operations. The presence of two or more non-operational motor vehicles on a lot for a time period exceeding thirty (30) days shall constitute evidence regarding the establishment of a junkyard. An automobile wrecking yard is considered as a junkyard.

Kennel

A lot or a facility in which four (4) or more domesticated animals greater than four (4) months of age are maintained, boarded, bred, trained or cared for, in return for remuneration, or are kept for the purpose of sale.

Landfill

A facility designed and used for the disposal of solid wastes in an appropriate manner that minimizes potential environmental degradation. Hazardous, toxic, or radioactive waste disposal is not permitted in a landfill.

Landominium

A single family attached dwelling unit separately owned and valued for property tax purposes which includes land under the unit along with common areas under group ownership and paid by a homeowners association.

Landscape Island

An area that contains plantings or other landscape material and that is surrounded on all sides by paved areas such as vehicular parking and circulation areas, loading/unloading areas, outside storage and outside display areas, ingress/egress lanes, etc.

Landscape Peninsulas

An area that contains plantings or other landscape material and that is surrounded on two sides if in a corner of a paved area, or three sides in other instances, by paved areas such as vehicular parking and circulation areas, loading/unloading areas, outside storage and outside display areas, ingress/egress lanes, etc.

Landscape Screen or Bufferyard

A defined area composed of vegetation and/or structures located between different and/or conflicting types or intensities of land uses or activities. A landscape screen or bufferyard may include a combination of trees, shrubs, earthen berms, landscaping fences, and/or open space qualities. The purpose of a landscape screen or bufferyard is to minimize the potential negative impacts of noise, light, dust, dirt pollution, and differing visual effects of one use or activity upon another.

Landscaping

The preservation, addition, and maintenance of trees, bushes, plants, and/or other natural features for an area to produce an aesthetic appearance for socio-environmental reasons.

Level of Service (LOS)

A measure of the mobility characteristics of an intersection as determined by vehicle delay and secondary factor, the volume/capacity ratio.

Legislative Unit

The elected governmental body such as city council, town board or county commissioners for a given incorporated or unincorporated jurisdiction that has legislative authority within that jurisdiction.

Loading Space Off-Street

Parking lot area designed and exclusively designated for the purpose of bulk pickups and deliveries. A loading area must be appropriately scaled to delivery vehicles expected to be used and accessible to vehicles when required off-street parking spaces are filled. Required off-street loading space is not to be included as off-street parking space in computation of required off-street parking space. All off-street loading spaces shall be located totally outside of any street or alley right-of-way.

Location Map

(See Vicinity Map)

Lot

A lot is a parcel of land of sufficient size to meet minimum zoning requirements for use, coverage, and area, and to provide such setbacks and other open spaces as on an improved public street, or on an approved private street, and may consist of:

1. A single lot of record;
2. A portion of a lot of record;
3. A combination of complete lots of record, of complete lots or of portions of lots of records.

Lot Coverage

The ratio of enclosed ground floor area of all buildings on a lot, expressed as a percentage.

Lot Measurements

A lot shall be measured as follows:

1. Area: The geometric, horizontal area contained within a lot of record exclusive of any portion of the right-of-way of any public or private street or alley.
2. Frontage: The distance between the side property lines as measured across the required minimum front yard setback line.

Lot of Record

A lot which is part of a subdivision recorded in the office of the County Recorder, or a lot or parcel described by metes and bounds, the description of which has been so recorded in the office of the County Recorder.

Manufactured Home

A dwelling unit, designed and built in a factory, which bears a seal certifying that it was built in compliance with the federal Manufactured Home Construction and Safety Standards Law of 1974 (942 USC 5401 et seq.) (Also see Mobile Home and Modular Home)

Marina

A facility designed and used for storing, fueling, berthing, and launching of private pleasure watercraft.

Mining

Mining to include the extraction from the subsurface or surface of sand, gravel, rock, clay, silt, shale, stone, and other mineral or material;

Mobile Home

A dwelling unit composed of one or more components substantially assembled in a manufacturing plant and designed to be transported to a building site on its own chassis for placement on a supporting structure. A mobile home is constructed in accordance with the standards established in the U.S. Department of Housing and Urban Development's building

code for manufactured housing. A mobile home is not constructed in accordance with the standards established in the state and local building codes that are applicable to site-built homes.

The removal of a mobile home's wheels and/or the attachment to a permanent foundation shall not change its classification. Mobile homes do not include modular homes, dwelling units with automotive capabilities, or recreational vehicles.

Model Home

A residential structure or series of structures built with the purpose of displaying the craftsmanship of the builder/developer of that unit. The unit primarily serves as a marketing tool to sell future, similar units on other lots.

Modular Home

A dwelling unit composed of two or more components substantially assembled in a manufacturing plant and transported to a building site by truck for final assembly on a permanent foundation. A modular home must be constructed in accordance with the standards established in the state and local building codes that are applicable to site-built homes. Modular homes do not include mobile homes. For the purposes of this ordinance, a modular home is considered to be a single family dwelling unit.

Mobile Home or Travel Trailer Sales

The sale or leasing of new and used mobile homes and travel trailers displayed, stored, and sold or leased on site excluding repair work except minor incidental repair.

Motel

A facility that offers overnight sleeping accommodations primarily for automobile travelers

Multi-Family Dwelling Unit

A residential building designed, arranged, and occupied exclusively by three (3) or more families living independent of each other.

Multi-Modal Transportation

Facilities, or a system of facilities, that accommodate more than one mode of transportation such as motor vehicles, bicycles, pedestrians, buses, light rail, etc. Such facilities may include but are not limited to, car pooling lots, bus stops, transit stations, bike ways or lanes, bike racks, pedestrian paths, etc.

M.U.T.C.D.

Manual on Uniform Traffic Control Devices

Nonconforming Use or Structure

A structure which lawfully existed at the time of adoption or amendment of the zoning regulations, which does not conform to the regulations of the zoning district in which it is situated.

Nuisance

Something that is considered harmful to health and well-being, annoying, obnoxious, and unpleasant.

Nursing Home

A health care facility designed and used for the care and/or treatment of invalids, or elderly persons.

Occupancy

The use of a structure for the purpose of a residence, or other use whether such structure is ordinarily designated for such use.

Office Park

A defined geographic area planned and coordinated for the development of various office/business uses and associated activities. An office park is designed, constructed, and managed on an integrated basis with particular attention given to vehicular circulation, parking utilities, stormwater management, building design, signage, and landscaping.

Open Space

A land area designated for recreation, resource protection, and/or buffering purposes. Open space may include, but is not limited to lawns, decorative plantings, walkways, trails, playgrounds, fountains, swimming pools, woods, natural drainage features, and any other passive or active recreational facilities that the Plan Commission deems appropriate. Open space is not defined as existing or future road right-of-ways, streets, driveways, parking areas, or buildings.

Operator

The owner, permit holder, custodian, manager, operator or any person in charge of any permitted or licensed activity.

Owner

The person, persons, or other entity having legal title to particular real estate, or such other person, persons, or entity acting on behalf of and with the written permission and authority of the legal title holder, such as a holder of an option or contract to purchase the real estate, or a lessee. In the context of this order, "owner" means the person, persons, or entity bearing responsibility for a development review application or proposal, and the term "owner" may be used interchangeably with terms such as applicant, developer, owner by option, etc.

Parking Space, Off-Street

Parking lot area designed and exclusively designated for the purpose of automobile parking. Must be adequate for parking an automobile with room for opening doors on both sides, properly related access to a public street or alley and maneuvering room. All off-street parking spaces shall be located totally outside of any street or alley right-of-way.

Pawn Shop

A business establishment that provides loans, usually short-term, using personal property as collateral and that retains the personal property, or legal title thereof, until the loan is repaid; if

the loan is not repaid, such personal property provided as collateral is offered for sale to the public, primarily in an on-premise retail environment. A business establishment that primarily buys personal property for resale to the general public in a retail environment, without the provision of a loan, is also considered to be a pawnshop pursuant to this definition unless it is of a consignment nature. A pawn shop differs from a bank, savings and loan, credit union, or similar establishment in that a pawn shop does not offer routine banking services such as checking, savings, escrow, or similar accounts, nor the sale of certificate of deposits or similar investment instruments, credit services other than loans where personal property is used for collateral.

Plan Commission

Public agency in the county empowered to prepare a comprehensive plan, zoning regulations, subdivision regulations, special regulations, and corridor or special area studies. The planning commission is responsible for evaluating proposed land use changes and their conformance with any applicable plans or regulations as well as reviewing subdivisions, zoning permits, site plan review and other applications outlined within the Zoning or Subdivision Ordinance. Within this Ordinance the term Plan Commission shall refer to the agency as a whole and may include the staff, director and board members.

Plan Commission Staff

Individuals employed by the Plan Commission or related boards under direct employment or by a contractual agreement.

Planned Unit Development

A defined land area to be planned and developed as a single development or an ordered series of developments. A planned development may include a variety of land use types and densities that are characterized by imaginative designs. A planned development's imaginative design shall creatively address architectural design, location of structures, integration of differing land uses, access management, interior vehicular and pedestrian access, stormwater management, landscaping, signage, and the preservation of natural topography, drainage, and vegetation.

Planning Director

The individual appointed by the County Commissioners to administer, interpret, and enforce the provisions of the zoning regulations and subdivision ordinance pursuant to the provisions of this ordinance.

Pond

Any inland body of water that in its natural state has a surface area of 500 square feet or more with a depth no less than 3.5 feet, and body of water artificially formed or increased that has a surface area of 500 square feet or more with a depth no less than 3.5 feet. For purposes of measuring pond setbacks under this Ordinance, ponds shall include any man made supporting structure containing such body of water.

Postal Services

A business establishment that offers private post office boxes for rent, and/or that offers drop-off, pick-up, or packing and crating services for the delivery of letters or packages, and that may include the sale of stamps, packaging materials, or other items necessary for the delivery of letters or packages, provided that the use is of a retail nature and not of a distribution, storage, or transfer nature that is more appropriate in a industrial district unless otherwise qualified by the text of a specific zoning district to allow such distribution, storage, or transfer activities.

Post Office, U.S.

A facility operated and occupied by the United States Postal Service for the purpose of delivering, storing, and/or transferring mail, and for carrying out related governmental functions.

Pre-application Meeting

Informal discussions between a developer or individual and the planning staff occurring prior to the submission of an application for action by the Plan Commission. The pre-application meeting allows the planning staff to acquaint the applicant with the applicable procedures and regulations, suggest improvements to a proposed design, encourage the applicant to contact appropriate authorities on the provision of public utility service, and provide the applicant with any pertinent information relating to the proposed application.

Primary Use or Structure

(See Principal Use or Structure)

Principal Use or Structure

Uses that are permitted by right on a given piece of property and are distinguished from an accessory use. The principal use or structure is the predominant purpose for which a lot is occupied or used.

Project Review Committee

The committee responsible for the technical evaluation of site plan applications required under this order. Membership may include, but is not limited to, a representative(s) from the Plan Commission, applicable public works department, applicable water and/or sewer district, applicable county or city engineer, applicable fire district or the Fire Chief's Association, and the Decatur County Building Department. A different project review committee may be formed for any of the legislative bodies served by the Plan Commission.

Protective Covenants

Contracts entered into between private parties or subdivision restrictions recorded as a part of the final plat, and which constitute a restriction on the use of all private property within a subdivision for the benefit of property owners, and provide mutual protection against undesirable aspects of development which would tend to impair stability of values. The individual, or group, that initiates the protective covenants shall be responsible for the enforcement, it is not the responsibility of county staff.

Public Way

A publicly dedicated area in which a public entity or the general public have the legal right-of-passage regardless of improvements to the dedicated area. Public ways include, but are not limited to, an alley, avenue, boulevard, bridge, channel, ditch, easement, expressway, freeway, highway, land, parkway, right-of-way, road, sidewalk, street, subway, tunnel viaduct, walk, or bicycle path.

Recreational Use

A public or private use of a building, structure or property which involves either an active or passive activity conducted indoors or out for the purpose of pleasure, leisure, fellowship or exercise commonly involving a sporting activity, camping, hiking, jogging, hunting, bicycling, fishing, swimming, boating, and other related activities.

Recreational Vehicle

A wheeled vehicle designed primarily for the purpose of personal recreation, pleasure, or travel, but not for permanent habitation. Recreational vehicles include, but are not limited to, motor homes, camper trailers, boats, dune buggies, stock cars, and motorcycles that are not street legal. Such wheeled vehicles may also be considered to be a trailer pursuant to the definition in this article. Recreational Vehicles may be used for recreational purposes during seasonal periods of the year, but may not be used for more than 90 consecutive days or for more than 180 days of each calendar year.

Recreational Vehicle Park

An area of land used for the parking of two or more recreational vehicles.

Recycling Center

A completely enclosed facility that collects, sorts, and processes for shipment to a recycling plant, recoverable resources such as newspapers, glassware, plastics, and aluminum cans.

Recycling Collection Point

A neighborhood collection point for the temporary storage of recoverable resources. Does not include the processing of recoverable resources for shipment to a recycling plant.

Recycling Plant

A facility that is not a junkyard and in which recoverable resources are recycled, reprocessed, and treated in order to return such materials to a condition in which they may be used in the production of additional goods.

Retail

A use engaged in the sale of merchandise and/or services directly to the end purchaser or end user, and where sales to the general public are not restricted or prohibited as may occur in a wholesaling use. A retail use is generally not conducted in conjunction with warehousing or distribution functions, with the exception of factory outlet stores where the retail use is accessory to the warehousing or distribution use.

Right-of-Way

An area or strip of land taken or dedicated for use as a public way. In addition to the roadway, it normally incorporates the curbs, lawn strips, sidewalks, lighting, and drainage facilities, and may include special features (required by the topography or treatment) such as grade separation, landscaped areas, viaducts and bridges. For land platting purposes the term “right-of-way shall mean that every right-of-way established and shown on a plat is to be separated and distinct from the lot/s or parcel/s adjoining such right-of-way and not included within the dimensions or areas of such lot/s or parcel/s. Rights-of-way intended for streets, crosswalks, water lines, sanitary sewer, storm drains, screening or special landscaping, or any other use involving maintenance by a public agency shall be dedicated to public use by the subdivider on whose plat such right-of-way is established.

Right-of-Way Easement

A legally authorized use for a defined area by a property owner to the County or other governmental jurisdiction for use as a public roadway and the maintenance of the roadway and/or other utilities as specified.

Roadside Stand

A temporary structure designed or used for the display or sale of agricultural and related products.

Satellite Dish

A device incorporating a reflective surface that is solid, open mesh, or bar configured and is in the shape of a shallow dish, cone, horn, or cornucopia. Such device is used to transmit and/or receive radio or electromagnetic waves between terrestrial and/or orbital based uses. This definition includes but is not limited to what is commonly referred as satellite earth stations, TVRO’s (television reception only satellite dish antennas), and satellite microwave antennas.

School

Any public or private educational facility, including but not limited to, child day care facilities, nursery schools, preschools, kindergartens, elementary schools, primary schools, intermediate schools, junior high schools, middle schools, high schools, vocational schools, secondary schools, continuation schools, special education schools, junior colleges, and universities. The term “School” includes the school grounds, but does not include the facilities used primarily for another purpose and only incidentally as a school.

Sewers, Central or Group

A central sewage treatment facility for a single development, community, or region with an accompanying collection network. Must be designed to properly provide for the safe treatment and disposal of the generated raw sewage. Subject to the approval by the appropriate local and state health officials.

Shopping Center

A group of retail and/or service establishments planned, developed, and managed as a single site with common off street parking provided on the property.

Sidewalk

A portion of the road right-of-way outside the roadway, or a pathway on private property which is improved for pedestrian traffic

Sight Distance

The length of roadway that is visible in front of a driver. The minimum sight distance available should be sufficiently long to enable a vehicle traveling at or near the design speed to stop before reaching a stationary object in its path.

Sign

A device designed to promote and identify an establishment or activity by any means including but not limited to words, letters, figures, designs, symbols, fixtures, colors, illumination, or projected images.

The following represents terminology associated with signs:

- Abandoned:* A sign on which the use has ceased or discontinued without the intent to resume. Abandoned signs have often fallen into a state of disrepair because of long periods of limited or no maintenance and/or use.
- Directional:* A low-rise sign of an incidental nature that is located near an exit or entrance to an office park or commercial shopping center, or within vehicular circulation areas, to convey directional information to motorists.
- Free-Standing:* A sign which is attached to a self-supporting structure that is placed on, or anchored in, the ground and that is independent of any building.
- Illuminated:* A sign illuminated by electricity, gas, or other artificial light including reflecting or phosphorescent light.
- Lighting Device:* A light, string of lights, or groups of lights located or arranged so as to cause illumination on a sign.
- Monument Style:* A freestanding sign that is composed of a solid structure between finished grade and the top of the sign.
- Off-Premises:* A sign advertising an attraction, facility, or product and the location of said attraction, facility, or product. The sign may or may not be located on the same property as the advertised item.
- On-Premises:* A sign related to a business or professional conducted, or a commodity or service sold or offered upon the premises where such sign is located.
- Political:* A temporary sign that advertises for the election an individual or group, or the passage of an issue, or similar activity that is placed on a voting ballot.
- Portable:* Any sign not permanently attached to the ground or to a permanent structure, or a sign designed to be transported, including but not limited to signs designed to be transported by means of wheels, including such signs originally designed to be transported by means of wheels but have had the wheels removed (regardless of whether they are mounted to a pole, building, or other permanent or temporary structure), and signs attached to or painted on parked vehicles that are visible from the public right-of-way, unless said vehicles is used in the normal day-to-day operations of the business.

<i>Projecting:</i>	A sign which projects from the exterior of a building, having a display area which is other than parallel to the face of the building.
<i>Real Estate:</i>	A sign that advertises the sale of land, structure, or related property.
<i>Temporary:</i>	A sign that is not intended to be a permanent method of advertising.
<i>Vehicle:</i>	An off-premise sign painted or otherwise affixed to a vehicle or vehicle trailer.
<i>Wall:</i>	A sign that is attached to an exterior wall of a building having a display area that is parallel to that wall.

Signal Progression

Progressive movement of traffic at a planned rate of speed through adjacent signalized locations within a traffic control system without stopping.

Single Family Dwelling Unit

A residential building or structure designed, constructed and occupied by persons living as one housekeeping unit using one kitchen facility. A single-family dwelling unit does include a residential care facility for handicapped persons.

Site Plan

A plan prepared to scale showing accurately and with complete dimensioning, the location of all proposed uses and all site development features for a specific site. A site plan addresses physical design, location of structures, access management, interior vehicular and pedestrian access, stormwater management, landscaping, signage, provisions of all required improvements, and the interrelationship of the various site plan components.

Sound Level Meter

An instrument which includes a microphone, amplifier, RMS detector, integrator or time averager, output meter, and weighting networks used to measure sound pressure levels.

Sound Pressure

The instantaneous difference between the actual pressure and the average or barometric pressure at a given point in space, as produced by sound energy.

Specialized Amusement Facility

An establishment that offers one or more separate, single purpose, recreational attractions such as skateboard parks; bungee, bicycle, or ski jumping; hang gliding; etc, but that does not include live entertainment such as live music performances, theater, or multi-media events.

Speed Change Lane

A separate lane for the purpose of enabling a vehicle entering or leaving a roadway to increase (acceleration lane) or decrease (deceleration lane) its speed to a rate at which it can more safely merge or diverge with through traffic.

Steady-State Vibrations

Continuous earth-borne oscillations occurring more than one hundred (100) time per minute.

Stopping Sight Distance

The distance traveled by the vehicle from the instant the driver of a vehicle sights an object necessitating a stop to the instant the brakes are applied, and the distance required to stop the vehicle from the instant brake application begins.

Storage Lane

Additional land footage added to a deceleration lane to store the maximum number of vehicles likely to accumulate during a critical period without interfering with the through lanes.

Story

The portion of a building between the surface of a floor and the ceiling immediately above.

Structure

Anything constructed or erected that requires the use to be located on the ground, or attachment to something having a fixed location on the ground. Among other things, structures include buildings, mobile homes, walls, fences, satellite dishes and billboards.

Street

The full width between property lines bounding every public way or whatever nature, with a part thereof to be used for vehicular traffic and designated as a public or private roadway used, or intended to be used, for vehicular traffic.

Subdivision

(See *Decatur County Subdivision Control Ordinance*)

Substantially Underway

Any activity in which earth has been moved and/or removed and construction has begun on the site including but not limited to the digging and poring of the foundation or footers, raising of walls. May also include the laying of material for the construction of roads or parking areas.

Swimming Pool

A pool, pond, lake, or open tank containing a depth of at least 1.5 feet of water at any point and maintained by the owner or manager:

1. Private or Residential: Exclusively used without paying an additional charge for admission by the residents and guests of a single household, a multi-family development, or a community, the members and guests of a club, or the patrons of a motel or hotel; and accessory to the principal use.
2. Community: Operated with a charge for admission, and as a primary use.

Three-Component Measuring Device

A device for measuring the intensity of any vibration in three mutually perpendicular directions.

Townhouse Dwelling Unit

A single-family attached dwelling consisting of one dwelling from ground to roof, a separate entrance and having more than one floor or story, but sharing walls with another dwelling unit or an accessory structure of another dwelling unit, where three or more dwelling units attached.

Trailer

Any wheeled vehicle designed to be hauled, pulled, or towed by automobile, truck, tractor, or other vehicle, including but not limited to campers, utility wagons, construction and farm equipment. Such wheeled vehicle may also be considered to be a recreational vehicle pursuant to the definition in this article.

Trips

Generally referred to in this ordinance as one-way trips and not two-way round trips.

Use

The specific purposes for which land and/or a building are designated, arranged, intended, or for which it is or may be occupied or maintained.

Variance

A variance is an exception granted from the literal enforcement of the zoning regulations where, by reason of exceptional topographic conditions, or some other extraordinary situation or condition of that site that would deprive the applicant of reasonable capacity to make use of the land in a manner equivalent to those permitted to other landowners in the same zone district. It is a departure from dimensional terms of the zoning regulation pertaining to the height, width, or location of structures, and the size of yards and open spaces.

Vibration

(See *Steady-State Vibration & Impact Vibration*)

Vehicular Use Area (VUA)

All outside paved areas within the perimeter of the site that serve as vehicular parking and circulation areas, loading/unloading areas, outside storage and outside display areas, and ingress/egress lanes. VUA's are used to determine certain landscaping requirements as specified in Article 22.

Veterinary Animal Hospital or Clinic

A facility that offers care, diagnosis, and treatment of sick, or injured animals, which may include overnight accommodations on site for the treatment, observation and/or recuperation of animals. Also included, are boarding facilities that are incidental and subordinate to the principal activity.

Vicinity Map

A drawing located on the plat which sets forth by dimensions or other means, the relationship of the proposed subdivision or use to other nearby developments or landmarks and community facilities and service within the general area in order to better locate and orient the area in question.

Warehousing and Distribution

A use engaged in storage, wholesale, transfer, and/or distribution of manufactured products, bulk materials, food and drink, supplies, and/or equipment.

Welfare and Charitable Services

An office use that may also provide client services such as rehabilitation, personal development, counseling, outreach programs, or distribution of material goods for daily living needs. For the purposes of this ordinance, welfare and charitable services does not include residential based or in-patient programs.

Wholesaling

A use engaged in volume or on-going sales of manufactured goods, bulk materials, food and drink, supplies, and/or equipment to a retailer or other middle man, but not to the end purchaser or end user, and where sales to the general public is commonly restricted or prohibited. Wholesaling is typically conducted in, and considered a part of, a warehousing and distribution environment in contrast to a retail or commercial environment.

Yard

A required open space unoccupied and unobstructed by any structure or portion of a structure from three (3) feet above the general ground level of the graded lot upward, provided accessories, ornaments, and furniture, may be permitted in any yard, subject to height limitations and requirements limiting obstruction of visibility.

Front Yard: A yard extending between the side lot lines across the front of the lot and from the front lot line to the front of the principal building. For flag lots, the front yard is measured from the rear lot line of the adjoining lot that is between the flag lot in question and the street.

Rear Yard: A yard extending between side lot lines across the rear of a lot and from the rear lot line to the rear of the principal building.

Side Yard: A yard extending from the principal building to the side lot line on both sides of the principal building between the lines establishing the front and rear yards.

Zone Change

(See Zoning Map Amendment)

Zoning District

A mapped area to which different land use controls are imposed. These controls specify the allowed uses of land and buildings, the density of such uses, the maximum height and minimum setbacks for any proposed structures, and other matters as specified in this order

Zoning Map Amendment

A change to the existing zoning district boundaries. Commonly known as a zone change.

Zoning Map, Official

The map officially adopted by the appropriate legislative unit that delineates the boundaries of all officially adopted zoning districts. The official zoning map may include geographic information, such as the location of streets, railroads, watercourses or bodies, and/or public facilities, that is

provided for benchmark or orientation purposes.

Zoning Permit

A permit issued by the Plan Commission in accordance with Article 6 of this order authorizing the permitted use of lot and/or a structure and its accompanying characteristics.

Zoning Regulations

The minimum land use requirements for each zoning district, adopted for the promotion of the public health, safety, morals and general welfare. Whenever the requirements of these regulations conflict with the requirement of any other lawfully adopted rules, regulations, ordinances, orders or resolutions, the most restrictive, or that imposing the higher standards shall govern.